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THE
LEGISLATIVE ASSEMBLY DEBATES
(OFFICIAL REPORT)

VOLUME IV, 1933

(31st March to 12th April, 1933)

FOURTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1933



SIMLA
GOVERNMENT OF INDIA PRESS
1933

Legislative Assembly.

President :

THE HONOURABLE SIR IBRAHIM RAHIMTOOLA, K.C.S.I., C.I.E. (Upto 7th March, 1933.)

THE HONOURABLE MR. R. K. SHANMUKHAM CHETTY. (From 14th March, 1933.)

Deputy President :

MR. R. K. SHANMUKHAM CHETTY, M.L.A. (Upto 13th March, 1933.)

MR. ABDUL MATIN CHAUDHURY, M.L.A. (From 22nd March, 1933.)

Panel of Chairmen :

SIR HARI SINGH GOUB, KT., M.L.A.

SIR ABDUR RAHIM, K.C.S.I., KT., M.L.A.

SIR LESLIE HUDSON, KT., M.L.A.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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MR. S. C. GUPTA, C.I.E., BAR.-AT-LAW.

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MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

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CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

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MR. R. K. SHANMUKHAM CHETTY, M.L.A., *Chairman*. (Upto to 13th March, 1933.)

MR. ABDUL MATIN CHAUDHURY, M.L.A., *Chairman*. (From 22nd March, 1933.)

SIR LESLIE HUDSON, KT., M.L.A.

SIR ABDULLA-AL-MAMÜN SUHRAWARDY, KT., M.L.A.

MR. B. SITARAMARAJU, M.L.A.

MR. C. S. RANGA IYER, M.L.A.

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LEGISLATIVE ASSEMBLY.

Saturday, 1st April, 1933.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Mr. R. K. Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Mr. M. Maswood Ahmad. Question No. 1022.

(The Honourable Member was not present in his seat, and Khan Bahadur Haji Wajihuddin put the question.)

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. The Chair has observed that some Honourable Members are in the habit of sending a string of questions and are not in their places when those questions are asked. The Chair strongly deprecates such practice, and it has now decided that if an Honourable Member who has sent questions is not in a position to be present in his seat to ask his questions, he must authorise some other Honourable Member in writing to do so, and the authorisation must be sent to the President. In the absence of such authorisation, these questions will be treated as unstarred questions and the answers will be incorporated in the proceedings.

†1022*—1054*.

FIRST CLASS HAJ PILGRIMS COMPELLED TO TRAVEL IN THIRD CLASS ON PILGRIM SHIPS.

1055. ***Mr. M. Maswood Ahmad:** Are Government aware that last year some first class passengers (Haj pilgrims) were compelled to travel in the third class in pilgrim ships and were afterwards compelled to commit in writing that they would not claim back any refund of the excess paid by them nor would they complain of any inconvenience? If so, are Government prepared to see that such a practice is not repeated in future?

Mr. G. S. Bajpai: It is correct that last year some first class pilgrims travelled as deck passengers by the first available boat instead of waiting at Jeddah for higher class accommodation to which their tickets entitled them in later boats. Government have no information as to whether these pilgrims were required to give a written guarantee that they would not claim the difference between the cost of the return half of their ticket and the cost of a deck passage.

†For these questions and answers thereto, see pages 2990—3011.

COMFORTS PROVIDED IN SHIPS OTHER THAN PILGRIM SHIPS.

1056. ***Mr. M. Maswood Ahmad:** Has it been brought to the notice of the Government of India that the pilgrims, who were driven to sail back in other ships from Jeddah last year, enjoyed far more convenience and comforts than those which are provided in the ordinary pilgrim ships? If so, have Government taken any step to improve the situation in the ships patronised by them?

Mr. G. S. Bajpai: Government have no information as to the degree of comfort enjoyed on the voyage by pilgrims who returned to India last year by ships other than those of the Mogul Line. As regards the second part of the question, Government do not patronise the ships of any Company engaged in pilgrim traffic.

Mr. M. Maswood Ahmad: Is it a fact that when a few pilgrims came by some other boat than the one belonging to Turner Morrison & Co., Government issued notice to prosecute the shipowners for bringing those pilgrims from Jeddah?

Mr. G. S. Bajpai: Some pilgrims did come by a German line, and objection was taken to their having come by that line, because the ship did not comply with the ordinary regulations for the carriage of passenger traffic, but Government do not propose to prosecute any one, because the shipping people concerned have expressed regret for their action.

Mr. M. Maswood Ahmad: Is it a fact that Government allow other shipping companies to bring back pilgrims from Jeddah in this season?

Mr. G. S. Bajpai: The position is that Government have no hand in this matter. Any shipping company which is prepared to comply with the relevant rules and regulations is at liberty to engage itself in this traffic.

Mr. M. Maswood Ahmad: Is it a fact that Government want to discourage the Haj?

Mr. G. S. Bajpai: Most certainly not.

ALLEGATIONS AGAINST A SHIPPING COMPANY BY HAJ PILGRIMS.

1057. ***Mr. M. Maswood Ahmad:** Has the attention of Government been drawn to an article in the *Inqilab*, dated the 27th July, 1932, wherein a pilgrim was reported to have been killed by the criminal negligence of the shipping company and that the loss of an imbecile woman was attributed to the sheer rude and unsympathetic treatment of the same? If so, have Government taken any step to inquire into the matter in order to verify the said reports and to punish the offenders? If not, why not?

Mr. G. S. Bajpai: Government have not seen this article. They will try to obtain a copy and then make such enquiries as may be considered necessary.

GOVERNMENT ORDERS TO THE SHIPPING COMPANIES DISALLOWING THEM TO GRANT CONCESSIONS TO HAJ PILGRIMS.

1058. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that Government have issued orders to shipping companies disallowing them to grant any concession to any pilgrim?

(b) If so, what is the reason for issuing such orders?

(c) Will Government be pleased to declare their policy in this matter?

(d) Will Government be pleased to lay a copy of the orders referred to in part (a) on the table of the House?

Mr. G. S. Bajpai: (a) No such orders have been issued by Government.

(b), (c) and (d). Do not arise.

ISSUE OF RETURN CONCESSION TICKETS TO HAJ PILGRIMS ON INDIAN RAILWAYS.

1059. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that certain Indian Railways issue return concession tickets to all passengers on the occasion of the Christmas, Puja, Easter and Moharram Holidays?

(b) Is it also a fact that such concession tickets are not issued to the Haj pilgrims during the Haj season?

(c) If the replies to (a) and (b) above be in the affirmative, are Government prepared to consider the desirability of issuing return concession tickets to the Haj pilgrims?

Mr. P. R. Rau: (a) Yes.

(b) Yes.

(c) I would refer the Honourable Member to the reply given to his starred question No. 1127, on the 25th March, 1931.

Mr. M. Maswood Ahmad: As the time is very short, will the Honourable Member please repeat the reply to which he has referred.

Mr. P. R. Rau: I shall be very pleased to do so. The reply was that the matter was carefully investigated in connection with a recommendation made by the Haj Enquiry Committee, and it was found that no reduction could possibly so stimulate the traffic as to avoid loss to the railways.

Mr. M. Maswood Ahmad: Will Government be pleased to state the reasons why it was not possible?

Mr. P. R. Rau: I am afraid, the Honourable Member did not catch what I just read. It was not possible because it was found that no reduction could possibly so stimulate the traffic as to avoid loss to the railways.

Mr. M. Maswood Ahmad: Is it a fact that eight-monthly tickets were issued two years ago on State-managed Railways, and are Government prepared to order the issue of the same class of return tickets again?

Mr. P. B. Rau: These return tickets have been, I think, abolished recently, because it was found that the number of passengers who were attracted to the railways by the issue of these return tickets did not justify the loss consequent on these reduced fares.

Mr. M. Maswood Ahmad: Are Government prepared to place these facts before the Central Advisory Committee for Railways and take their views on this subject?

Mr. P. B. Rau: It is a question which can very well be taken up by the Local Advisory Committees.

ISSUE OF UNSTAMPED POLICIES BY THE VENUS ASSURANCE COMPANY, LIMITED, DELHI.

1060. ***Mr. M. Maswood Ahmad:** Is it a fact that the Venus Assurance Company, Ltd., Delhi, issued policies under "Free Insurance Co-operative Benefit Scheme" without affixing any stamp thereon?

(b) Is it a fact that this matter was brought to the notice of local authorities by L. Kunj Behari Lal Saxena, Honorary Secretary of the Venus Policy Holders Association, when he forwarded three unstamped policies to the authorities (one of them being 52577)?

(c) Is it a fact that the Company was asked to pay annas six as proper stamp duty for each policy, and annas eight as penalty, levied on each of the three infringements, and that the Company credited the same into the Delhi Treasury on the 12th November, 1932?

(d) Will Government please state what was the actual number of policies issued by the said Company without affixing stamps, and if the Company has been asked to stamp them properly, and whether or not any penalty has been charged for policies other than the three forwarded by Mr. Kunj Behari Lal Saxena?

(e) Are Government aware that about 60,000 policies have been issued unstamped? What action, if any, have Government taken against the officials of the said Company, and what amounts in all have been realised from the said Company as stamp duties and as penalties?

The Honourable Sir George Schuster: (a) The Venus Assurance Company, Limited, Delhi, issued Certificates of Membership without affixing any stamp thereon.

(b) Yes.

(c) Yes. The actual amount of stamp duty imposed was Rs. 2-2-0 and penalty Re. 1.

(d) and (e). Government are not aware of the actual number of Certificates issued by the Company. The Company has been asked to withdraw and stamp all such Certificates, and inform the Collector when this has been done. No penalty has been levied on any of the Certificates except the three sent by L. Kunj Behari Lal.

Mr. M. Maswood Ahmad: What was the reply to part (e), may I know?

The Honourable Sir George Schuster: I answered that question. I said, (d) and (e) Government are not aware of the actual number of Certificates issued by the Company. The Company has been asked to withdraw and stamp all such Certificates, and inform the Collector when this has been done. No penalty has been levied on any of the Certificates except the three sent by L. Kunj Behari Lal.

Mr. M. Maswood Ahmad: Did Government make any attempt to know the real number of Certificates issued?

The Honourable Sir George Schuster: Government have asked the Company to withdraw and stamp all the Certificates. That is the position.

+1061*—1063*.

DIFFERENT RATES CONTRACTED FOR BY THE INDIAN STORES DEPARTMENT FOR THE SUPPLY OF THE SAME ARTICLES BY THE SAME FIRM.

1064. ***Mr. S. C. Mitra:** (a) Has the attention of Government been drawn to pages 255 and 256 of the *Trade Journal* of the 26th January, 1933, where, against items Nos. 1 and 2 of tender No. M.-2135 of the Indian Stores Department, two different rates have been published against each of the two items? If so, will Government be pleased to state the reasons how for each of the two items the Indian Stores Department entered into contract with the same firm at two different rates, one being higher than the other?

(b) If the Government are not aware of the publication of the two different rates in the *Trade Journal*, will they be pleased to enquire into the matter and state the reasons of such publication of different rates contracted for by the Indian Stores Department for the supply of the same articles by the same firm?

The Honourable Sir Frank Noyce: (a) In the notification referred to on page 256 of the *Indian Trade Journal*, issue of 26th January, 1933, the contracts, owing to a printer's error, were stated to be Rate Contracts, whereas they were in fact Running Contracts. The error was detected and a corrigendum was published in the *Indian Trade Journal* of the 2nd March, 1933. The differences in rates referred to by the Honourable Member were due to the different obligations devolving on the contractor under the different conditions of contract.

(b) Does not arise.

Mr. S. C. Mitra: What is this difference between Rate Contract and Running Contract? Will you please explain?

The Honourable Sir Frank Noyce: Broadly speaking, the difference is due to the fact that Rate Contracts specify no quantity, whereas Running Contracts do. It is a very technical subject, and if the Honourable Member is interested in it, I shall be very glad to explain it to him personally.

Mr. S. C. Mitra: Thank you.

**DETENTION OF CERTAIN BENGALIS AS STATE PRISONERS UNDER REGULATION
III OF 1818 IN THE TRICHINOPOLY JAIL.**

1965. ***Mr. S. C. Mitra:** (a) Is it a fact that Messrs. Suren Ghosh, Jiban Chatterjee and Pratul Ganguly, Bengal State Prisoners, are being detained under Regulation III for the past one year and a half in the Trichinopoly Jail?

(b) Is it a fact that all the three prisoners are showing signs of reduction in weight?

(c) Is it a fact that Mr. Chatterjee has been declared to be suffering from T. B.?

(d) If so, do Government propose to transfer them to some other jail in a place with temperate climate?

(e) Is it a fact that the daily allowance of these said prisoners has been reduced by 50 per cent.?

(f) If so, are Government aware that the allowance of Rs. 1-4-0, per diem that has been sanctioned, is not sufficient to cover their daily expenses?

(g) If not, do they propose to enquire into the matter? If not, why not?

(h) Is it a fact that on the 9th March Messrs. Ghosh and Chatterjee were suddenly transferred to Rajahmundry Jail?

(i) If so, will Government be pleased to state the reasons therefor?

The Honourable Sir Harry Haig: (a) Yes.

(b) No.

(c) No.

(d) Does not arise.

(e), (f) and (g). I would refer the Honourable Member to the replies given by me to his questions Nos. 257 and 517 in this House on the 8th and 25th February last, respectively.

(h) and (i). Government are not prepared to state reasons for transfer of prisoners.

**TRANSFER OF MR. B. K. DUTT OF THE ASSEMBLY BOMB CASE TO THE
ANDAMANS.**

1066. ***Mr. S. C. Mitra:** (a) Is it a fact that Mr. B. K. Dutt of the Assembly Bomb Case has been transferred to the Andamans while he was seriously suffering from dysentery?

(b) Will Government be pleased to state what arrangements were made for medical aid during Mr. Dutt's transfer from Rajahmundry Jail to the Andamans?

The Honourable Sir Harry Haig: (a) No. The prisoner recovered from dysentery on the 20th December, and was not transferred to the Andamans till the 20th January. He was absolutely free from illness during the intervening period.

(b) No special medical aid was required beyond that which is ordinarily provided on Andamans steamers.

(Mr. President then called on Sardar Sant Singh to put his question No. 1067.)

Mr. Lalchand Navalrai: May I put that question on behalf of Sardar Sant Singh?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): It cannot be asked.

Mr. O. S. Ranga Iyer: Sir, as your ruling was given today, may I request that this ruling may come into force from tomorrow so that Members, not present, who had not practised what you said they should, that is to say, give notice in writing, may know your ruling and act accordingly?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Of course, the ruling given by the Chair is not really a new thing, because, according to the Rules and Standing Orders, when an Honourable Member who has put down a question is absent and if another Honourable Member wants to ask that question on his behalf, that can only be done with the permission of the President. The Chair has no doubt, Honourable Members will realise that it is very unfair both for Government and for other non-official Members that one Honourable Member should send a string of questions and not be present in his seat. But if it is the feeling that Honourable Members should have notice of this new practice, the Chair has no objection to allow for today only questions put down by one Honourable Member to be asked by some other Honourable Member, in which case the Chair will have to go back to the old questions and allow other Honourable Members to put the questions on behalf of the Members who originally tabled them.

Mr. Lalchand Navalrai: I thank the Chair for its ruling. No. 1067.

STANDARDISATION OF TWO QUALITIES OF BLACK PAINT BY THE INDIAN STORES DEPARTMENT.

1067. ***Mr. Lalchand Navalrai** (on behalf of Sardar Sant Singh): (a) Is it a fact that the Indian Stores Department standardised two qualities of black paint, *vide* specification, No. G. P. O.-120, to contain 20 per cent. lump black and No. G. P. O.-120/1, substitute to 20 per cent. lamp black to contain 3 per cent. carbon black?

(b) Is it a fact that for any good quality of black paint the percentage of lamp black, as specified by the Indian Stores Department, should be not less than 20 per cent. lamp black?

(c) Will Government be pleased to state what is the percentage of carbon black or Loss on ignition in the "Muraco Black"?

The Honourable Sir Frank Noyce: Information is being collected and will be laid on the table in due course.

PAINTS USED BY THE EASTERN BENGAL RAILWAY FOR PAINTING THEIR WAGONS.

1068. ***Mr. Lalchand Navalrai** (on behalf of Sardar Sant Singh): (a) Is it a fact that at present the Eastern Bengal Railway uses ready mixed 3 per cent. carbon black paint from Messrs. Jenson and Nicholson for painting their wagons?

(b) Is it a fact that a sample from the supplies of ready mixed black paint was tested by the Government Test House which found the sample to be 3 per cent. carbon black, *vide* certificate No. 721-C.?

(c) Are Government aware that an indigenous black paint "Muraco Black" was experimented by the Eastern Bengal Railway authorities and found to be quite satisfactory and more economical than the paint now in use?

(d) Is it a fact that orders for ready mixed 3 per cent. carbon black paint were not placed after consultation with the Indian Stores Department and that no public tenders were called for before placing the orders to this English firm?

(e) Is it not a fact that, as the result of test by the Eastern Bengal Railway, in November, 1932, the "Muraco Black" was found cheaper by Rs. 2 per wagon for painting only the four outer sides of a wagon?

(f) Is it a fact that the Eastern Bengal Railway, in 1930, prepared a panel painted with "Muraco Black" and put it under the exposure test, and that it is still wearing well and the plate is in a very fair condition?

(g) Will Government be pleased to state the saving in each wagon if a wagon is completely painted with "Muraco Black"?

(h) What will be the total saving in money if "Muraco Black" is substituted for the more costly paint at present used by the Eastern Bengal Railway?

(i) Will Government please explain why orders were placed with the English firm without calling for any tender and why even now the order is not displaced by other cheaper and more satisfactory article?

Mr. P. R. Rau: I will reply this and the next question together. I have called for information and on receipt will lay a reply on the table.

"MURACO BLACK" PAINT USED ON THE EAST INDIAN RAILWAY.

+1089. ***Mr. Lalchand Navalrai** (on behalf of Sardar Sant Singh): (a) Is it a fact that "Muraco Black", an indigenous black paint for wagons, manufactured by Messrs. Murarka Paint and Varnish Works, Ltd., was awarded a certificate No. 195-C. on the 17th April, 1930?

(b) Is it a fact that the East Indian Railway found "Muraco Black" for wagon painting suitable for spraying, dipping as well as brush work and for hard drying in about four hours?

(c) Is it a fact that the East Indian Railway found "Muraco Black" on an exposure test with only one single coat on the bare steel plate without any priming paint to last satisfactorily for two years and six months and reported to have stood the exposure test very well?

(d) Is it a fact that practical physical test of "Muraco Black" was held by Mr. Campbell, the Assistant Works Manager and the paint Foreman, Lillooah Workshop in the presence of the manufacturers; and is it a fact that the Deputy C. M. E., Lillooah, found that 9/8th ounce of "Muraco Black" covers the same space of the plate as 9/8th ounce of the present supply of Indian Stores Department Standard Quality 20 per cent. lamp black purchased by the Indian Stores Department for the East Indian Railway?

(e) Is it a fact that with 25 gallons of "Muraco Black" 14 covered and 10 high side uncovered wagons were painted while with the same quantity of black paint from Messrs. Jenson and Nicholson, Shalimar Paint and Varnish Co., Ltd., and also Indian Stores Department Standard Quality 20 per cent. lamp Black only eleven covered wagons could be painted?

(f) Is it a fact that the Deputy C. M. E. Lillooah, in March, 1933 inspected three of the eight wagons painted with "Muraco Black" in January, 1931, after a run on traffic for over two years and found the paint on them satisfactory and affording sufficient protection to the wagons from rust?

(g) Is it a fact that all these three wagons returned after two years' run on traffic for inspection have again been sent out for further one year's run on traffic without repainting?

(h) Will Government be pleased to state whether the Indian Stores Department Quality 20 per cent. lamp black and 3 per cent. carbon black were put to an exposure test by actual run on traffic; if so, will Government lay the report on the table?

(i) Is it a fact that the use of indigenous paint "Muraco Black" will save much money of the Railways?

FORMATION OF SERVICE UNIONS ON COMMUNAL LINES.

1970. *Bhal Parma Nand: (a) Is it a fact that after the formation of unrecognised communal Muslim Union from the ranks of Postal employees in 1931, the then Director-General had issued a circular and a manifesto in the following words:

"The greatest evil of a communal union is that it must inevitably tend to foster the communal spirit. The higher an official rises in the Department, the more responsibility he has to shoulder and the more men he has to control. If such an official is known to be a member of a communal association, is it humanly possible for him to command in his subordinates the same confidence and respect as he could do if he were known to belong to a union which has at heart the welfare of all without distinction of caste, creed or community?"

(b) Do Government mean to accentuate communal bitterness in Government services too?

(c) Is it a fact that the appointment clerk in the Delhi General Post Office makes all the arrangements for appointments, transfers and leave, etc., for the officials working in the Delhi General Post Office and its town sub-offices under the signature of the Postmaster, Delhi, and that the said clerk also deals with the appeals in connection with the said arrangements? If so, are Government aware of the fact that the appointments clerk, Delhi General Post Office, is the organiser and General Secretary of the All-India Muslim Posts and Telegraphs Union?

(d) What steps do Government propose to take in the matter?

The Honourable Sir Frank Noyce: (a) Yes.

(b) No.

(c) and (d). The Honourable Member appears to be under a misimpression. The so-called appointment clerk—the designation has been abolished to prevent such misunderstandings—has no independent power of action, and the questions therefore do not arise.

DETAILING OF CERTAIN POSTAL OFFICIALS IN DELHI TO DUTIES ON SUNDAYS.

1071. ***Bhai Parma Nand:** (a) Is it a fact that the Treasurer of the Delhi Provincial Muslim Union and Assistant Secretary, Muslim Relief Fund, and other members of the Muslim Union were not detailed for a long period on Sunday duties while other officials were regularly called for?

(b) Is it also a fact that this was brought to the notice of the Postmaster, Delhi?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state what action was taken by the Postmaster, Delhi? If not, why not?

(d) Are Government prepared to take necessary action to observe equality and justice in detailing the officials on Sundays?

The Honourable Sir Frank Noyce: (a) to (d). Government have no information. The matter is within the competence of the head of the postal circle concerned to whom a copy of the question is being sent.

APPLICATION OF RULES FOR COMMUNAL REPRESENTATION IN THE GOVERNMENT OF INDIA PRESSES.

1072. ***Bhai Parma Nand:** With reference to his reply to question No. 681 (a), given on the 7th March, 1938, will the Honourable Member in Charge of the Department of Industries and Labour, be pleased to state if it is a fact that as per letter No. A.-631, dated the 2nd March, 1929, of his Department, it was decided that the procedure laid down for recruitment to clerical establishment in the Government of India Presses should be adopted in making recruitment of the industrial staff as well? If so, is the reply given by him that the rules for communal representation apply to clerical appointments only, correct?

The Honourable Sir Frank Noyce: The answer to the first part is in the affirmative. My reply to the Honourable Member's starred question No. 681 (a) did not say that the rules regarding communal representation applied to clerical appointments only but that the instructions issued by the Controller of Printing on the 7th October, 1930, referred to clerical appointments.

STOPPAGE OF THE RECRUITMENT OF HINDUS IN THE CLERICAL STAFF OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1073. ***Bhai Parma Nand:** (a) With reference to his reply to question No. 682, given on the 7th March, 1938, will the Honourable Member in Charge of the Department of Industries and Labour kindly place a copy of the instructions issued by the Controller of Printing on the table?

(b) Is it a fact that the Controller reported to the Government that the orders for reserving one-third vacancies for minority communities were rigidly observed in the Government of India Press, New Delhi?

(c) Is it a fact that the Controller in his instructions did not say that the recruitment to the next two or three clerical vacancies should be made from the minority communities, but gave strict orders to stop entirely the fresh recruitment of Hindus until a certain percentage was obtained for the minority communities? Are these instructions in conformity with the procedure prescribed by the Government?

The Honourable Sir Frank Noyce: (a) Government do not propose to lay a copy of the instructions on the table.

(b) Yes.

(c) The instructions were in the form indicated by the Honourable Member but the Controller reported that they were in effect as I stated in my previous reply. I informed the Honourable Member on 7th March that the order did not seem to be entirely in conformity with the procedure prescribed by Government and it is being cancelled..

APPOINTMENTS MADE IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1074. *Bhai Parma Nand: With reference to his reply to question No. 684, dated the 7th March, 1933 will the Honourable Member in Charge of the Department of Industries and Labour kindly give the following information :

- (a) In which year did the last reduction of compositors take place in the Government of India Press, New Delhi?
- (b) Were any of the compositors appointed in 1933, brought under reduction owing to the extensive reorganisation and considerable retrenchment referred to by the Honourable Member? If so, how many?
- (c) Were all the Moslems, Sikhs and Christians appointed in 1930-31 retrenched hands? If not, how many were retrenched hands?
- (d) Are there any Government orders to the effect that in re-employing retrenched hands it is not necessary to take communal representation into account even though it may create a preponderance of any one community in the establishment of any one particular Department or office by re-employing men of one particular community?
- (e) Is it a fact that the Manager of the Government of India Press, New Delhi, has not recruited members of that community into the industrial staff?
- (f) Will Government be pleased to give the number of new appointments made communitywise in the sanctioned industrial establishment since the present Manager took charge of the Press, each class of appointment being shown separately?

The Honourable Sir Frank Noyce: (a) In 1923.

(b) Yes: Three.

(c) No: Two.

(d) No.

(e) It is not clear which community the Honourable Member is referring to; recruitment has been made from all the leading communities.

(f) A statement is laid on the table.

Statement showing appointments made on the sanctioned Industrial Establishment, Delhi Press, from March 1927.

Class of appointment.	Hindus.	Moslems.	Christians.	Sikhs.
Compositors	5*	14*	..	1
Distributors	1	2*	..	..
Warehousemen	2	4	2	..
Roller Moulder . . . . .	..	..	1*	..
Mechanic	1*	..	..	..
Carpenter . . . . .	..	1	..	..
Fly-boys	1	3	..	..
Mono Operator . . . . .	..	1	..	..
Pressmen . . . . .	..	1*	..	..
Copyholders	5†	..	1	1
Assistant Stereotyper	1	..	..	..
Type Supplier	1*	..	..	..
Paper Supplier . . . . .	..	..	1	..
Labourers	8	9	1	..
Total	25	35	6	2

*Retrenched hands.

†One Retrenched hand.

Government of India orders relating to measures to be adopted for communal representations in the Industrial staff of Government of India Presses, had effect from March 1929.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): I will now come to question No. 1022.

ADDITIONAL DUTIES UNDERTAKEN BY THE STENOGRAPHER OF THE SUPERINTENDENT OF EDUCATION, DELHI, AJMER-MERWARA AND CENTRAL INDIA.

1022. ***Dr. Ziauddin Ahmad** (on behalf of Mr. M. Maswood Ahmad):

(a) In connection with the reply to my starred question No. 238 (a) (iii), given on the 7th February, 1933, will Government kindly state:

- (i) if it is a fact that the stenographer of the Superintendent of Education, Delhi, Ajmer-Merwara and Central India, worked as Registrar and tabulator of the examination conducted by the Head Masters' Association, Delhi, in 1932, after his appointment as stenographer;
- (ii) if it is a fact that the said stenographer received Rs. 180 as honorarium from the Head Masters' Association, Delhi, in 1932, for the work in connection with their examination?
- (iii) whether the Superintendent of Education enquired from his stenographer or from the Head Masters' Association about the facts asked by me in my question referred to above?

(b) Will Government kindly state if it is a fact that the stenographer of the Superintendent of Education compiled the General Educational Tables of the Central India Agency in 1932 in addition to his duties and received a sum of Rs. 90 from Government for that work? Is it also a fact that the payment of this sum was made by the Superintendent of Education himself?

(c) Is it a fact that the said stenographer was also an examiner of the Commercial Diploma Examination of the Commercial Institute, Delhi, which is a Government institution, in the year 1932, and that this examination was conducted by the Superintendent of Education himself?

(d) If the replies to parts (a), (b) and (c) above be in the affirmative, will Government kindly state whether the Superintendent of Education was aware of these additional duties which his stenographer had undertaken when the question referred to in part (a) above was asked? If so, will Government kindly state why these duties were not mentioned in the reply to part (b) of starred question No. 238?

Mr. G. S. Bajpai: (a) (i). The stenographer did not act as Registrar of the examination referred to by the Honourable Member. As regards acting as 'Tabulator', the Honourable Member's attention is invited to the reply given to clause (iv) of part (a) of his question No. 238 on the 7th February, 1933.

(ii) and (iii). Yes.

(b) The stenographer received an honorarium of Rs. 50 under the orders of the Honourable the Agent to the Governor General in Central India in connection with the compilation of the General Educational Tables.

(c) Yes, but this examination is not conducted by the Superintendent of Education.

(d) Part (b) of Honourable Member's question No. 238 was understood to relate to "duties" and not to odd jobs.

Mr. Gaya Prasad Singh: Is this stenographer, who has been the victim of communal fury, a Hindu?

Mr. G. S. Bajpai: Sir, I do not subscribe to the suggestion that the stenographer has been the victim of any particular feeling, but he is a Hindu.

ADDITIONAL DUTIES UNDERTAKEN BY THE STENOGRAPHER OF THE SUPERINTENDENT OF EDUCATION, DELHI, AJMER-MERWARA AND CENTRAL INDIA.

1023. ***Dr. Ziauddin Ahmad** (on behalf of Mr. M. Maswood Ahmad):

(a) Is it a fact that the stenographer of the Superintendent of Education, Delhi, is a whole-time Government servant?

(b) If the reply to part (a) above be in the affirmative, will Government kindly state if it is a fact that under the Supplementary Rules of the Fundamental Rules framed by the Government of India, a whole-time Government servant cannot undertake any work from a private body on any remuneration or otherwise without the permission of the officer to whom he is subordinate?

(c) Did the stenographer obtain any permission from the Superintendent of Education who is his immediate officer for his private undertakings?

(d) If the reply to part (c) above be in the affirmative, will Government kindly state why the facts were not mentioned by Government in reply to my starred question No. 238 on the 7th February, 1933?

(e) If the reply to part (c) above be in the negative, do Government propose to take any disciplinary measures against the Government servant?

Mr. G. S. Bajpai: (a), (b) and (g). Yes.

(d) The Honourable Member is referred to the previous question.

(e) Does not arise.

Mr. Gaya Prasad Singh: Is it not a fact that some employees of the Government of India visit many Honourable Members and write out their questions and speeches?

Mr. G. S. Bajpai: I am not in a position to answer that question.

Dr. Ziauddin Ahmad: Is the Secretary of the Nationalist Party one of them?

Mr. Gaya Prasad Singh: I see my remark has gone home!

Mr. Muhammad Anwar-ul-Azim: I want answers only to questions Nos. 1024 and 1042. Question 1024.

FRAUDS COMMITTED IN THE QUETTA POST OFFICE.

1024. ***Mr. Muhammad Anwar-ul-Azim:** (a) Is it a fact that frauds committed in the Quetta Post Office are concealed and that the Government and the public defrauded?

(b) Is it a fact that a case of using used postage stamps on telegrams occurred in the Quetta H. O.?

(c) Will Government please state whether this case was reported to the police by the Postmaster, Quetta? If not, why not?

(d) Is it a fact that the Director-General's orders are that persons concerned in the case should not deal with that case?

(e) Is it a fact that the case was not made over to the Town Inspector, Quetta, for investigation nor was reported to the police?

Sir Thomas Ryan: (a) No.

(b) Yes.

(c) and (e). Information has been called for and will be laid on the table in due course.

(d) Yes.

(Mr. President called on Mr. Muhammad Anwar-ul-Azim to put his question No. 1025.)

Mr. Muhammad Anwar-ul-Azim: On a point of information, Sir. I think it is laid down in the Standing Orders that only those questions, to which the Honourable Member putting them wants answers on the floor of the House, should be put and not others. As such, I have said that I want the replies only to questions Nos. 1024 and 1042.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Honourable Member does not want to ask the other questions?

Mr. Muhammad Anwar-ul-Azim: That is so.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Chair is not prepared to say just now whether the point mentioned by the Honourable Member is correct or not according to the Rules and Standing

Orders. But whatever may be the rules and Standing Orders on the point, it is for Honourable Members to decide whether they would involve the respective offices concerned in the laborious task of arranging these questions and having their answers prepared if it was the intention of Honourable Members not to ask them on the floor of the House.

Mr. Muhammad Anwar-ul-Aziz: I think these things ought to be made very clear here. An Honourable Member may have put the questions on a particular day and, during the period that elapses before the answers are given on the floor of this House, the doubts that he had may have been cleared with the result that there may be no necessity for him to put the questions here.

Dr. Ziauddin Ahmad: Is it not open to an Honourable Member to withdraw his questions at any time he likes and to transfer them from starred to unstarred list?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): An Honourable Member is at liberty to withdraw his question at any time.

Mr. Gaya Prasad Singh: Sir, some of the questions may contain insinuations and personal reflections. These questions are printed and advertised, and it is rather unfair to other Honourable Members and to the persons concerned against whom personal reflections are cast, that the questions are not put, and other Honourable Members are not allowed an opportunity of refuting them. The question of withdrawal is a different matter. Every Honourable Member is at liberty to withdraw his questions, but having given notice of them and having allowed them to appear in the Order Paper, not to put them at the last moment is rather unfair to the Government and to the persons concerned as well as to the House.

Mr. S. C. Mitra: I think my Honourable friend, Mr. Gaya Prasad Singh, is of opinion that the President has not exercised his discretion, when he admitted the questions, properly. I take it that when a question is admitted the President decides that there is no deliberate personal insinuation on the part of the questioner or any attempt to attribute any personal aspersion against any officer; and, when a question is admitted, the Honourable Member should have the right to withdraw, if he so wishes.

Dr. Ziauddin Ahmad: May I point out that on the last occasion several Honourable Members requested the President to treat their starred questions as unstarred questions and that the President allowed that.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Chair does not want to stand in the way of an Honourable Member who desires to withdraw his questions to do so at any particular stage. The Chair only wants to remind Honourable Members that such a contingency can happen only rarely. If, as the Honourable Member himself has pointed out, he has got satisfactory information on the points since sending in the questions, it is certainly not necessary for the Honourable Member to ask the question but the Chair would leave it to the sense of

responsibility of Honourable Members themselves whether they would rush to ask questions containing serious allegations against certain officers without first satisfying themselves whether there was any basis for asking those questions. That, the Chair would entirely leave to the sense of responsibility of Honourable Members.

CARRIAGE OF PRIVATE LUGGAGE IN THE MAIL VANS BY CERTAIN RAILWAY MAIL SERVICE OFFICIALS.

1025. *Mr. Muhammad Anwar-ul-Azim: (a) Is it a fact that certain Railway Mail Service officials were carrying unauthorised private luggage in the mail vans thus depriving the Railway of the legal earnings?

(b) Is it a fact that no action was taken against the officials concerned by the Director beyond issuing a circular prohibiting such an illegal practice?

(c) Is it a fact that subsequent to the issue of this circular, Naraindas, Inspector, Railway Mail Service, carried private luggage in the mail van while travelling as Inspector, Railway Mail Service?

Sir Thomas Ryan: Government have no information. The matter is within the competence of the Director, Posts and Telegraphs, Sind and Baluchistan Circle, to whom a copy of the question and of my reply is being sent.

CANDIDATES OF THE POSTAL CLERICAL CADRE ENTERTAINED IN THE REVENUE DIVISIONS DIFFERENT FROM THOSE OF THEIR PERMANENT RESIDENCE IN CERTAIN POSTAL CIRCLES.

1026. *Mr. Muhammad Anwar-ul-Azim: (a) Will Government be pleased to lay on the table a statement showing particulars of candidates of the postal clerical cadre who were entertained in the Revenue Divisions, different from those of their permanent residence, in the (i) Punjab, and North-West Frontier, (ii) Bengal and Assam, (iii) United Provinces, and (iv) Bombay Postal Circles? Is it not contrary to Government orders?

(b) Is it a fact that by the non-observance of orders referred to in part (a), members of the majority community and Sikhs have been unduly benefited and that Muslims have suffered?

(c) Do Government propose to order strict observance of these orders in future?

The Honourable Sir Frank Noyce: (a) and (b). Government regret that information is not available. If however, the Honourable Member will bring to the notice of Government any specific and properly authenticated instances of the non-observance of the orders in question, enquiries will be undertaken.

(c) The Director-General has issued orders on the subject; a copy of these orders is placed on the table. Government do not consider that any further action is required.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

DIRECTOR-GENERAL'S GENERAL CIRCULAR No. 43.

Monday, 23rd January, 1933.

II.—LOCAL RECRUITMENT FOR SUBORDINATE SERVICES IN THE POSTS AND TELEGRAPHS DEPARTMENT.

It is hereby ordered that the instructions contained in part 1 of the Director-General's (Post Office) Circular No. 29, dated the 2nd September 1926 (reproduced below) regarding local recruitment for subordinate postal services should apply to recruitment for subordinate services in all the branches of the Posts and Telegraphs Department. The instructions should, however, be considered as laying down a general principle for observance and may be departed from at the discretion of the Head of a Circle if local conditions make this necessary, but in no case should a candidate be recruited in a Circle, who has not his domicile in that Circle.

(Es. R. 1 B.-61/32.)

T. RYAN,

Offg. Director-General of Posts and Telegraphs.

EXTRACT (PART 1) FROM THE DIRECTOR-GENERAL'S (POST OFFICE) CIRCULAR No. 29, DATED THE 2ND SEPTEMBER 1926.

Local recruitment for subordinate postal appointments.

On the recommendation of the Postal Conference of 1926 it has been decided by the Director-General that with effect from the 1st September 1926 future candidates joining subordinate postal service must belong to the Revenue Division in which they enlist. In the cases of cities like Bombay and Calcutta candidates belonging to the adjacent Revenue Divisions will also be eligible for appointment in such cities.

2. Any exception to the instruction given in paragraph 1 above must be referred to the Head of the Circle—Postal or Railway Mail Service—for orders.

NON-OBSERVANCE OF THE THIRD VACANCY RULE IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1027. *Mr. Muhammad Anwar-ul-Azim: (a) Will Government be pleased to lay on the table a copy of the letter dated the 30th September, 1932, regarding the non-observance of the third vacancy rule in the Posts and Telegraphs Department, addressed by seven Members of the Legislative Assembly to the Director General, Posts and Telegraphs, and a copy of the reply thereto dated the 10th November, 1932?

(b) Will Government be pleased to state whether they have discovered that the rule reserving the third vacancy to remove communal inequalities was not observed in the Posts and Telegraphs Department?

(c) Will Government be pleased to state the particulars of postal divisions and first class head offices in (i) the Punjab and North-West Frontier, (ii) Bengal and Assam, (iii) United Provinces, and (iv) Bombay Circles which failed to observe the third vacancy rule?

(d) Will Government be pleased to lay on the table the explanations of the officials responsible for non-observance of the third vacancy rule in the Simla Post Office, stating action taken thereon, as promised by the Director-General in his reply to the letter referred to in part (a) above, and as promised in reply to starred question No. 959(d) on the 8th November, 1932?

The Honourable Sir Frank Noyce: (a) Government are not prepared to lay on the table copies of the correspondence to which the Honourable Member refers.

(b) No. The rule is generally observed, even if a few isolated failures may have occurred. Special steps have been taken to prevent the recurrence of any failure.

(c) The latest check carried out has been that of the annual recruitment statements for the year 1931-32. The result of this check has been to show that there has been no disregard of the third vacancy rule in the divisions and the offices referred to by the Honourable Member.

(d) The matter is still under investigation.

**TRANSFER OF THE APPOINTMENT CLERK, SIMLA GENERAL POST OFFICE, AND
RETRENCHMENT OF THE MUSLIM TOWN INSPECTOR OF SIMLA.**

1028. ***Mr. Muhammad Anwar-ul-Azim:** (a) Is it a fact that Mohammad Shoab, appointment clerk, Simla General Post Office, was transferred at the instance of the Punjab Posts and Telegraphs Hindu Union?

(b) Is it a fact that the Muslim Town Inspector of Simla was retrenched at the instance of the Hindu Union?

The Honourable Sir Frank Noyce: (a) The Honourable Member is referred to the reply given to his own starred question No. 433 in this House on the 21st February, 1933.

(b) No.

**HINDU SUPERINTENDENTS OF POST OFFICES WITH HINDU HEAD CLERKS
IN THE BENGAL AND ASSAM POSTAL CIRCLE.**

1029. ***Mr. Muhammad Anwar-ul-Azim:** Will Government be pleased to state the number of Hindu Superintendents of Post Offices with Hindu Head Clerks in the Bengal and Assam Postal Circle?

The Honourable Sir Frank Noyce: The number is fourteen.

**SUPERINTENDENT OF RAILWAY MAIL SERVICE, "L" DIVISION AND HIS HEAD
CLERK.**

1030. ***Mr. Muhammad Anwar-ul-Azim:** Is it a fact that the Superintendent of the Railway Mail Service, "L" Division, in the Punjab Circle, is a Non-Muslim with a Non-Muslim Head Clerk?

The Honourable Sir Frank Noyce: The reply is in the affirmative, as regards the Superintendent. Government have no information about the Head Clerk.

**WAITING LIST OF APPROVED CANDIDATES IN THE PUNJAB AND NORTH-WEST
FRONTIER AND BENGAL POSTAL CIRCLES.**

1031. ***Mr. Muhammad Anwar-ul-Azim:** Is it a fact that in the Punjab and North-West Frontier and Bengal Postal Circles, predominantly Muslim in population, Hindus are in an overwhelming majority on the waiting list of approved candidates?

The Honourable Sir Frank Noyce: Government have no information, but I may explain that communal representation in the list of approved candidates has no bearing on actual recruitment, which is governed by the rules relating to the recruitment of members of different communities.

ENGINEERING SUPERVISORS IN THE DELHI TELEGRAPH ENGINEERING DIVISION.

1032. ***Mr. Muhammad Anwar-ul-Azim:** Is it a fact that all the Engineering Supervisors (General and Telephone) to whom the line inspectors are subordinate, are all non-Muslims in the Delhi Telegraph Engineering Division?

The Honourable Sir Frank Noyce: The reply is in the negative.

SUPERINTENDENT AND INSPECTOR OF POST OFFICES, JULLUNDUR.

1033. ***Mr. Muhammad Anwar-ul-Azim:** Is it a fact that the Superintendent of Post Offices, Jullundur, and Inspector, Post Offices, Jullundur, are both Non-Muslims?

The Honourable Sir Frank Noyce: Sir, with your permission, I propose to reply to questions bearing numbers 1033 and 1034 together.

The reply is in the affirmative.

CERTAIN POSTAL EMPLOYEES IN DELHI.

† 1034. ***Mr. Muhammad Anwar-ul-Azim:** Is it a fact that the Superintendent, Railway Mail Service, "D" Division, Delhi Head Quarters, Inspector, Railway Mail Service, Delhi, and all the three Inspectors, Railway Mail Service, Delhi, are Non-Muslims?

FIXATION OF A SHARE FOR EVERY COMMUNITY IN THE STRENGTH OF ESTABLISHMENT IN THE SUBORDINATE SERVICES.

1035. ***Mr. Muhammad Anwar-ul-Azim:** Will Government be pleased to state the approximate date by which they propose announcing their decision fixing a share of every community in the strength of establishment in the subordinate services with definite instructions how to obtain the desired results within a specified period?

The Honourable Sir Harry Haig: Government have under consideration the question of some modification of the orders regarding the representation of minority communities in the services under the control of the Government of India, but I am unable to state the date by which a decision will be announced.

TENDER FOR POSTAL STAMP VENDOR AT DELHI.

1036. ***Mr. Muhammad Anwar-ul-Azim:** (a) Is it a fact that the tender for postal stamp vendor at Delhi by a Hindu did not comply with the provisions laid down and that this fact was brought to the notice of the Postmaster General, Punjab, by the Muslim whose tender has been rejected?

†For answer to this question, see answer to question No. 1033.

(b) Are Government prepared to examine the tender of the Hindu and cancel the contract if it is found to be defective?

Sir Thomas Ryan: (a) Government have no information.

(b) No. The matter is within the competence of the Postmaster General, Punjab and North-West Frontier.

RETRENCHMENT OF MUSLIMS IN THE PUNJAB POSTAL CIRCLE.

1037. ***Mr. Muhammad Anwar-ul-Azim:** (a) Is it a fact that Hindu postal employees who had been superannuated and were on extension of service were included in the list of postal employees resulting in a larger and unjustified retrenchment of Muslims in the Punjab Postal Circle?

(b) Is it a fact that Muslims with less service were retrenched retaining Hindus with longer service in the Punjab Postal Circle?

The Honourable Sir Frank Noyce: (a) It is presumed that the Honourable Member refers to men who have passed the age of 55; properly speaking, these are not superannuated. The retrenchment of all officials was in accordance with Government orders.

(b) Yes. In certain of the categories, laid down in the retrenchment orders, retrenchment is made by selection and not by seniority.

OFFICE-BEARERS OF THE ALL-INDIA (INCLUDING BURMA) POSTAL AND RAILWAY MAIL SERVICE UNION AND CERTAIN ALLEGATIONS AGAINST THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

1038. ***Mr. Muhammad Anwar-ul-Azim:** (a) Are Government aware that the General Secretary and the second clerk of the office of the All-India (including Burma) Postal and Railway Mail Service Union are Bengali Hindus?

(b) Is it a fact that the All-India (including Burma) Postal and Railway Mail Service Union has got a branch of its union in the Office of the Director-General, Posts and Telegraphs?

(c) Will Government please state the number of clerks, assistants and superintendents employed in the office of the Director-General, Posts and Telegraphs, Delhi, under the following heads (i) Hindu Bengalis, (ii) Muslim Bengalis, (iii) other Hindus, (iv) other Muslims?

(d) Are Government aware that the Hindu Bengali Chief Superintendent of the office of the Director-General, Posts and Telegraphs, has openly expressed in the office that for the leakage of certain information Muslim employees were held responsible by the Director-General, Posts and Telegraphs?

(e) Is it a fact that the General Secretary and clerks of the All-India (including Burma) Postal and Railway Mail Service Union frequently visit their friends in all sections of the office of the Director-General, Posts and Telegraphs, Delhi, without any restrictions?

Sir Thomas Ryan: (a) Government believe that the General Secretary is a Bengali Hindu, but they have no information regarding the clerk.

(b) Yes.

(c) The numbers are:

- (i) Hindu Bengalis—50 clerks, 69 Assistants and 14 Superintendents.
 - (ii) Muslim Bengalis—3 clerks and 4 Assistants.
 - (iii) Other Hindus—4 clerks.
 - (iv) Other Muslims—14 clerks and 2 Assistants.
- (d) and (e). No.

PERCENTAGE OF HINDUS IN THE CENTRAL PUBLICATION BRANCH.

1039. ***Mr. Muhammad Anwar-ul-Asim:** (a) Is it a fact that in the Government of India Publication Branch since transferred from Calcutta there are 77.7 per cent Hindus?

The Honourable Sir Frank Noyce: Yes.

CERTAIN POSTS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI, HELD BY HINDUS.

1040. ***Mr. Muhammad Anwar-ul-Asim:** (a) Is it a fact that the posts of (i) Head Assistant, (ii) Assistant Manager, (iii) Accountant, (iv) Assistant to Head Assistant, (v) Assistant to Accountant, and (vi) Head Computer are all held by Hindus in the Government of India Press, New Delhi?

(b) Is it a fact that out of nearly 48 clerks in the Government of India Press, New Delhi, there are only 11 Muslims?

The Honourable Sir Frank Noyce: (a) Yes.

(b) The number of clerks now employed is 46 of whom 10 are Muslims.

NON-RECRUITMENT OF MUSLIM CLERKS IN THE OFFICE OF THE DIVISIONAL ENGINEER, TELEGRAPHS, NEW DELHI.

1041. ***Mr. Muhammad Anwar-ul-Asim:** (a) With reference to Seth Haji Abdulla Haroon's starred question No. 1876, dated the 22nd November, 1932, will Government please state whether one permanent and four temporary Muslim clerks mentioned by the Honourable Sir Frank Noyce were appointed by Mr. Bartley, the then Accounts Officer, Telephone Revenue Accounting Office, Delhi?

(b) If the reply to part (a) be in the affirmative, will Government please state why the above clerks are shown as clerks of the office of the Divisional Engineer, Telegraphs, New Delhi, when they were actually recruited by the Accounts Officer, Telephone Revenue Accounting Office, Delhi?

(c) Is it a fact that the Telephone Revenue Accounting Office is an office independent of the Divisional Engineer, Telegraphs, New Delhi?

(d) Is it a fact that the clerks working in the Telephone Revenue Accounting Office, Delhi, are not appointed by the Divisional Engineer, Telegraphs, New Delhi, but by the Accounts Officer of the Telephone Revenue Accounting Office, Delhi?

(e) Is it a fact that in view of the above questions the reply to starred question No. 1876, dated the 22nd November, 1932, was a mis-statement of facts?

(f) Will Government please state now how many Muslims and non-Muslims were appointed exclusively in the office of the Divisional Engineer, Telegraphs, New Delhi, since 1928?

(g) Will Government please state whether the recruitment made in the Telegraph Department was in accordance with the orders contained in the Home Department Memorandum No. F-176/25-Ests., dated the 5th February, 1926 and No. F-21-2-30-Ests., dated the 22nd March, 1980?

The Honourable Sir Frank Noyce: (a) to (g). Information has been called for and a reply will be placed on the table in due course.

CREATION OF SELECTION GRADE POSTS IN THE TELEPHONE REVENUE ACCOUNTING OFFICE, DELHI.

1042. ***Mr. Muhammad Anwar-ul-Asim:** (a) Is it a fact that the Telephone Revenue Accounting Office is under the control of the Postmaster General?

(b) Will Government please say if the clerks in the Telephone Revenue Accounting Office take their positions with the staff in the office of the Postmaster General or whether they form a separate cadre?

(c) Is it a fact that there is no selection grade post in the Telephone Revenue Accounting Office, Delhi; and if so, what are the future prospects for promotion of the clerks working in that office?

(d) Is it a fact that almost in all the branches of the Posts and Telegraphs Department there are selection grade posts except in the Telephone Revenue Accounting Office, Delhi?

(e) Will Government please lay on the table a statement giving the following particulars in respect of the offices of Divisional Engineers, Telegraphs, at New Delhi, Lahore, and Rawalpindi and Telephone Revenue Accounting Office, Northern Circle, Delhi:

(a) Number of clerks posts.

(b) Number of selection grade posts.

(c) Number of S. A. S. posts?

(f) Is it a fact that there are no selection grade appointments for clerks in the Telephone Revenue Accounting Office, Delhi?

(g) If the reply to the above be in the affirmative, do Government propose to create selection grade posts in the Telephone Revenue Accounting Office?

Sir Thomas Ryan: (a) The telephone revenue accounting work is done usually by a section of the Postmaster General's office, except at Delhi and Calcutta where there are separate Telephone Revenue Accounting Offices.

(b) Except in the two cases just specified, where separate cadres for clerks are maintained, the clerks employed in the telephone revenue accounting work form part of the staff of the offices of Heads of postal circles concerned.

(c) and (f). Yes, but it is the intention ultimately to replace two Accountants on the Subordinate Accounts Service scales of pay now attached to the office by selection grade clerks.

(d) The fact is substantially as stated.

(e) A statement is placed on the table.

(g) Does not arise in view of reply at (c) and (f) above

Statement.

	Number of time-scale clerks.	Number of selection grade clerks.	Number of Subordinate Accounts Service Accountants.
Office of the Divisional Engineer, Telegraphs, New Delhi.	19	2	1
Office of the Divisional Engineer, Telegraphs, Lahore.	20	2	1 (Also 1 Accounts clerk).
Office of the Divisional Engineer, Telegraphs, Rawalpindi.	18	2	1
Office of the Accounts Officer, Telephone Revenue Accounting Office, Delhi.	41	Nil.	2

PROVISION OF QUARTERS TO THE BOY PEONS OF THE CENTRAL TELEGRAPH OFFICE, NEW DELHI.

1043. *Mr. Muhammad Anwar-ul-Azim: (a) Will Government please state whether house-rent allowance is granted to the boy peons of the Central Telegraph Office, New Delhi?

(b) If the above allowance is granted for house accommodation, why is an extra house-rent charged from them for no extra accommodation?

(c) Is it a fact that some officials of the Central Telegraph Office, New Delhi, who are entitled to "D" type quarters, pay three to four rupees rent per month for their quarters?

(d) Is it a fact that the boy peons of the Central Telegraph Office, New Delhi, are allowed to occupy quarters of the smaller type and have to pay rupees three as house-rent?

(e) Do Government propose to provide accommodation in lieu of the house-rent granted them, as they do in the case of inferior servants of the Post Office? If not, why not?

Sir Thomas Ryan: (a) No. In this connection the Honourable Member's attention is invited to parts (b) and (c) of the reply given in this House to his starred question No. 1518 on the 29th November, 1982.

(b) and (c). Do not arise.

(c) The reply is in the negative.

(d) Yes, except that the house-rent is limited to an amount equal to ten per cent. of their pay and is much less than three rupees.

GRANT OF COMPENSATORY ALLOWANCE TO THE EMPLOYEES OF THE OFFICE OF THE DIVISIONAL ENGINEER, TELEGRAPHS, AT SIMLA.

1044. *Mr. Muhammad Anwar-ul-Azim: (a) Is it a fact that the Simla compensatory allowance is paid to all the clerks and mechanics in the migratory staff of the Central Telegraph Office, New Delhi-Simla, and also to the clerks of the General Post Office, Delhi-Simla, throughout the year to meet the abnormal rental charges on an annual basis at Simla?

(b) If the reply to the above be in the affirmative, will Government please state why this privilege is not extended to a few employees of the office of the Divisional Engineer, Telegraphs, Telephone Branch, New Delhi-Simla? Is it a fact that they belong to the migratory staff and are Government aware that they have to maintain a house at Simla for the whole year, but they are granted compensatory allowance only for six months and not for the whole year?

(c) Do Government propose to extend the privilege mentioned in (a) above to the other subordinates as stated in part (b) and, if not, why not?

Sir Thomas Ryan: (a) The fact is substantially as stated by the Honourable Member.

(b) and (c). In the existing state of the finances, proposals for new grants of allowances or for removal of anomalies, involving additional expenditure, are not generally entertained. Government do not propose to make an exception in the case of the Telegraph Engineering Branch officials referred to, who, in fact, get the allowance while in Simla.

HARDSHIPS FELT BY MUSLIMS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1045. ***Mr. Muhammad Anwar-ul-Asim:** (a) Is it a fact that throughout India and Burma in all the Circle offices of the Postmasters General and Divisional offices of the Divisional Engineer, Telegraphs, there is not a single Muslim head clerk in the appointment branch or section?

(b) Is it a fact that during the last recruitment for the appointment of general service and station service telegraphists in the Posts and Telegraphs Department, in the majority of cases, the applications of Muslim candidates were either rejected or returned, on some plea or other? If so, who was responsible for such rejection?

The Honourable Sir Frank Noyce: (a) Government have no information. The head clerkships referred to are selection grade posts, promotion to which is not made on communal grounds.

(b) Government have no reason to suppose that the fact is as stated but if the Honourable Member is in possession of authentic evidence of such irregularities and will furnish it to me I shall be happy to make enquiries.

SUCCESSFUL CANDIDATES IN THE EXAMINATIONS OF THE DELHI UNIVERSITY.

1046. ***Mr. Muhammad Anwar-ul-Asim:** Will Government please state the number of Muslims and non-Muslims who passed in the last B.A., B.Sc., F.A., F.Sc. Examinations and Matriculation Examination and its equivalent from the Delhi University?

Mr. G. S. Bajpai: The information asked for by the Honourable Member is laid on the table.

Statement showing the number of Muslim and non-Muslim students who passed certain examinations of the Delhi University and the Board of Secondary Education, Delhi, held in 1932.

DELHI UNIVERSITY.

Examination.	Muslims.	Non-Muslims.
B. A.	22	113
B. Sc.	1	25
I. A.	28	213
I. Sc.	10	77

BOARD OF SECONDARY EDUCATION, DELHI.

High School and School Leaving Certificates	230	898
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NON-EMPLOYMENT OF MUSLIMS AS GENERAL SERVICE OR STATION SERVICE TELEGRAPHISTS.

1047. *Mr. Muhammad Anwar-ul-Azim: Is it a fact that since 1928, not a single Muslim has been recruited as a general service or station service telegraphist from the following Circles, against hundreds of non-Muslims taken:

- (i) Bengal and Assam Circle.
- (ii) Madras Circle.
- (iii) Bombay Circle.
- (iv) Central Provinces Circle.
- (v) Punjab and North-West Frontier Circle.
- (vi) Sind and Baluchistan Circle?

The Honourable Sir Frank Noyce: The reply is in the negative.

GRIEVANCES OF THE PUNCHERS OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

1048. *Maulvi Muhammad Shafee Daoodi: (a) Are Government aware of the fact that the punchers of the Railway Clearing Accounts Office, Delhi, submitted a representation to the Director, Railway Clearing Accounts Office, on the 14th September, 1932, and subsequent reminders on the 17th October, and 8th December, 1932, to reduce their highly fixed daily progress of 1,200, forty-five columned cards which, if compared with the progress of East Indian, Great Indian Peninsula, Bombay, Baroda and Central India and Eastern Bengal Railways is too high?

(b) If the answer to part (a) be in the affirmative, have Government taken any action to redress their grievances? If so, what? If not, why not?

(c) Are Government aware of the fact that the punchers under compulsion have been sitting up to 6 P.M., since January, 1933, to give effect to the full out-turn and that this is telling awfully on their health?

(d) If the answer to part (c) be in the affirmative, what action have Government taken or contemplate to take in this matter to avoid further crisis?

(e) Are Government prepared to revise their present scale or to give some permanent allowances to the punchers which have already been given to the operators?

(f) Are Government aware of the fact that the punchers are often forced to sit till late hours on Saturdays and to attend the office on holidays?

(g) If the answer to part (f) be in the affirmative, will Government explain how long such affairs will be allowed to continue?

Mr. P. E. Rau: (a) and (b). I understand that a representation was submitted by the Punchers of the Railway Clearing Accounts Office, Delhi, to the Director and that after examination the Director was satisfied that the prescribed daily out-turn of 1,200 forty-five columned cards was quite reasonable. Experts consider that a reasonable standard rate for India would be 220 per hour or 1,320 for a six hour day. An average of 230 to 235 per hour or about 1,400 for a six hour working day has been obtained, I understand, in the Eastern Bengal Railway and the minimum in Europe and America is 300 per hour for a seven hour day or 2,100 per day.

(c) I understand that a few Punchers have had to work late hours as their out-turn during office hours was not adequate but I have no information to believe that this has had a serious effect on their health.

(d) Government do not consider that any action is necessary.

(e) Government do not consider that having regard to the mechanical nature of their duties, the remuneration allowed to Punchers is inadequate.

(f) and (g). I understand that this is not often the case. It is only when the out-turn of work is considered inadequate, or when there is a heavy rush of work, that they are required to work long hours or to attend on holidays.

CONDITIONS FOR APPOINTMENT OF RAILWAY SUBORDINATES TO THE LOCAL TRAFFIC SERVICE.

1049. *Lieut.-Colonel Sir Henry Gidney: (a) Will Government please state the conditions that had to be fulfilled before a subordinate was appointed to officiate as an official or to the Local Traffic Service before the introduction of the Lower Gazetted Service?

(b) Will Government please state the grounds on which officiating officials and officers of the Local Traffic Service can be reverted to their substantive or original subordinate posts?

(c) Will Government please state whether the Lower Gazetted Service is an official or a subordinate service?

(d) Is it a fact that the Lower Gazetted Service was introduced in place of the Local Traffic Service and in response to the demand made by this House to provide for the subordinates who have for long periods of years been officiating as officials?

(e) Will Government please state what principles and procedure were followed in the absorption into the Lower Gazetted Service of the officers belonging to the Local Traffic Service and other officiating officials?

(f) Is it not a fact that appointments of senior subordinates to the Local Traffic Service and as officiating officials were made by "selection" and in consideration of seniority in service?

(g) If the answer to part (f) be in the affirmative, will Government please state whether the Agents are desired to make a second selection for appointment to the Lower Gazetted Service from among these officers who have for considerable periods discharged the duties of officials satisfactorily? If so, why?

(h) Are Government aware that such a procedure has led to acts of favouritism on the part of Heads of Departments and Agents of Railways in making these selections and considerable discontent to those officiating officials?

(i) Will Government please state whether the Railway Board admit appeals against supersessions in promotions made by selection to the Lower Gazetted Service, *vide* D. O. No. 1403-E. G., dated the 18th/19th April, 1932, from Mr. A. M. Hayman, Labour Member, Railway Board, in which it is stated that "it is open to employees to appeal against supersession for promotion"?

(j) Do Government propose to redress such inequities?

Mr. P. R. Rau: (a) and (f). Promotion to the Local Traffic Service from the subordinate ranks was made by selection of staff considered fit to fill the posts, seniority being taken into consideration.

(b) Officiating officers of the Local Traffic Service can be reverted to their substantive or original subordinate posts if the vacancy in which they are officiating ceases to exist or if they are found to be unsuitable to hold such posts.

(c) The Lower Gazetted Service is not a subordinate service.

(d) The Lower Gazetted Service took the place of the Local Traffic Service and is intended to be recruited mainly by promotion of specially selected subordinates.

(e) Permanent officers of the Local Traffic Service who were not promoted to the Superior Service on the abolition of the Local Traffic Service were given the option to elect to come into the Lower Gazetted Service or to remain in the Local Traffic Service.

I believe that subordinates officiating in the Local Traffic Service were appointed to officiate in the Lower Gazetted Service so long as the vacancies continued.

(g) In making confirmations it is obviously necessary to make a selection from people who have been tried in an officiating capacity in order to see which is the most suitable.

(h) Government have no reason to think that such is the case.

(i) Appeals from subordinate officials do not ordinarily lie beyond the Agent. When permanent posts in the Lower Gazetted Service have to be filled the Agent makes his recommendations to the Board and the Board then issues orders. Subordinate officials who have not been recommended by the Agent or who have not been selected by the Board may appeal to the Agent and the Agent would refer such appeals to the Board if he considered that there were reasons for asking the Board to reconsider their orders.

(j) Government have no reason to think that any general change in the existing procedure is necessary. Each case must be dealt with on its merits.

Lieut.-Colonel Sir Henry Gidney: In view of the Honourable Member's reply that the lower gazetted service is not a subordinate service, will he kindly inform this House whether Railway officials have the right of appeal to the Railway Board beyond the order of the Agent?

Mr. P. R. Rau: I do not think I am in a position to reply to that question. I must refer to the appeal rules.

Lieut.-Colonel Sir Henry Gidney: I repeat, Sir, this is a very simple question. Has an official the right of appeal to the Railway Board or has he not?

Mr. P. R. Rau: I have already mentioned that this is a question relating to the appeal rules. I do not carry all the rules in my head.

Lieut.-Colonel Sir Henry Gidney: In view of the fact that officials do and can, without demur appeal to the Railway Board and in view of the fact that the lower gazetted service is not as admitted by the Honourable Member a subordinate service, will the Honourable Member reconcile that information with the reply he gave that such an appeal lies entirely in the hands of the Agent?

Mr. P. R. Rau: I said that appeals from subordinates do not ordinarily lie beyond the Agent.

Lieut.-Colonel Sir Henry Gidney: If the lower gazetted service is not a subordinate service, the appeal must lie beyond the hands of the Agent? Is that so?

Mr. P. R. Rau: I have not said that the appeals from the lower gazetted service lie to the Railway Board.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member state whether an appeal from a member of the lower gazetted service can be made to the Public Service Commission through his Departmental Head?

Mr. P. R. Rau: That, again, is a question of the Public Service Commission rules.

Dr. Ziauddin Ahmad: Is it not a fact that the whole system of appeals to the Railway Board is very shaky and that ultimately the order is written out by the clerk who makes the first report of these things?

Mr. P. R. Rau: I know that is my Honourable friend's opinion.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member make inquiries regarding appeals relating to the lower gazetted service and the Railway Board and Public Service Commission and lay it on the table?

Mr. P. R. Rau: I shall do so.

Lieut.-Colonel Sir Henry Gidney: Thank you.

In view of the Honourable Member's reply regarding appointments to the lower gazetted service and in view of the fact that he admits that seniority is taken into consideration, will the Honourable Member please

state if it is right and just that subordinates who have been selected for the local traffic service and who have been taken into the lower gazetted service by selection and seniority, is it right that they should be submitted to a second selection and seniority test by another Agent?

Mr. P. R. Rau: That seems to be a question of opinion. That is not a question of fact.

Lieut.-Colonel Sir Henry Gidney: I give it to you in the form of a specific question. Is it or is it not a fact that when a subordinate is selected from the lower traffic service and again selected as fit for inclusion into the lower gazetted service, when another Agent or Head of a Department comes into power he is subjected to another selection despite the fact that the former Head of his Department or Agent had recommended him as fit for such special promotion? Does this not invite favouritism which in extreme cases spells victimization? Sir, I have two cases to prove this in the East Indian and North Western Railways. Is it or is it not a fact, that that practice is being followed to the serious disadvantage of senior subordinates who for years have been denied confirmation or even admission into the lower gazetted service and so encourage the cursed practice of favouritism?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Honourable Member is presumably aware that that is a fact.

Lieut.-Colonel Sir Henry Gidney: Sir, I only want to know whether the Honourable Member will admit this fact on the floor of the House or not, and that it is the practice. Is it not, I ask him, to deny this charge?

Mr. P. R. Rau: Without knowing what are the two cases in question, I cannot say whether it is a question of fact.

Lieut.-Colonel Sir Henry Gidney: The Honourable Member does know those two cases, in both the E. I. and N. W. Railways and if he so desires, I am prepared to give him the names.

Mr. P. R. Rau: I am afraid, not.

Mr. K. C. Neogy: Is the Honourable Member in a position to state as to whether this class of question will be permitted to be asked in the Federal Assembly if the scheme for a Statutory Railway Board comes to be adopted on the lines on which it has been recommended by the Government of India?

Mr. P. R. Rau: I am not a prophet, Sir.

CONTRACTS IN THE TRANSPORTATION DEPARTMENT ON THE BHUSAWAL AND NAGPUR DIVISIONS OF THE GREAT INDIAN PENINSULA RAILWAY.

1050. ***Lieut.-Colonel Sir Henry Gidney:** (a) Is it a fact that, on the Bhusawal and Nagpur Divisions on the Great Indian Peninsula Railway, almost all the coal contracts and shed cleaning and ash pit cleaning work is given to a certain family and that they monopolise the contracts in the Transportation Department (Loco.)?

(b) Will Government be pleased to tell this House if any of these contracts were advertised in any of the papers as is being done by the Jubbulpore Division, and tenders asked for? If not, why not?

(c) If the answer to part (b) be in the affirmative, will Government please give the names of the papers and the number and names of tenders offered?

(d) Will Government inform this House if there has been any reduction in the rates of contracts to load, unload and stack coal on the Bhusawal Division and, if so, what saving has been effected since this question was raised in this House last year?

(e) Will Government please inform this House how many station contracts are given to the family referred to in part (a), also the stations where other contracts are given them?

(f) In the interests of economy, do Government propose to advertise these contracts and give them to those who submit the lowest tender?

Mr. P. R. Rau: I have called for information and on receipt a reply will be laid on the table.

Lieut.-Colonel Sir Henry Gidney: Does the Honourable Member need to be reminded twice of a question before he answers it once?

Mr. P. R. Rau: I do not understand that question, Sir.

Lieut.-Colonel Sir Henry Gidney: I am talking of question No. 1050. I forgot to ask him that.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): No. 1050 has been answered.

Lieut.-Colonel Sir Henry Gidney: I am sorry, Sir, I did not take notice of the answer, because a similar question was asked by me about eight months ago and no reply has yet been given.

INTRODUCTION OF POOLING SYSTEM ON THE MAIL AND PASSENGER LINKS OF THE BHUSAWAL DIVISION, GREAT INDIAN PENINSULA RAILWAY.

1051. ***Lieut.-Colonel Sir Henry Gidney:** (a) Will Government please place on the table the figures worked out by the Great Indian Peninsula Railway for the introduction of the pooling system on the mail and passenger links of the Bhusawal Division and state if, by this new system, there is to be an appreciable economy gained?

(b) Will Government please place on the table the figures and statistics which brought about the closing of the fitting and repair shops at Bhusawal and the expenditure incurred by the layout of 8½ lakhs of rupees in the building of the new shops at Bhusawal?

(c) Will Government please state if there has been any retrenchment of labour by the closing down of the fitting and repair shops at Bhusawal or has it been necessary to engage more labour though it be in the supervising staff?

(d) Will Government please lay on the table the figures of failures of engines on the Bhusawal Division since the introduction of the pooling system as compared with the figures for six months' previous to this introduction?

Mr. P. R. Rau: (a) The number of engines required to work mail and passenger links of the Bhusaval Division under the assigned crew system of working is 56. Under the pooling system it is estimated that not more than 44 engines will be required. The economy gained is in the saving of 12 engines to be released for other services.

(b) The expenditure of Rs. 3½ lakhs in the building of the new shops at Bhusaval was justified on the following grounds:

- (i) Saving resulting from the reduction in the number of engine failures Rs. 20,000 per year.
- (ii) Saving from the reduction in the cost of maintenance of the engines Rs. 43,000 per year.

other savings, the financial value of which cannot be reduced to definite figures.

(iii) The reduction in the number of engines required to meet the exigencies of train services making it possible to release engines for other services and thereby postponing capital expenditure on locomotives.

(iv) Increase in the mileage run by engines between periodical overhaul in Mechanical shops by virtue of the improved maintenance of engines in the Running sheds.

(c) There has been no retrenchment of labour by the closing down of the old fitting and repair shops at Bhusaval and it has not been necessary to engage more labour nor to increase the number of supervising staff appointments. Most of the staff rendered surplus have been transferred against vacancies requiring to be filled in other Departments and Divisions.

(d) The number of engine failures on the Bhusaval Division for the 6 months prior to the introduction of pooling was 38. The number of failures since pooling was introduced is 26 none of which was due to causes connected with the more intensive use of locomotives.

PAY OF STOCK VERIFIERS ON THE GREAT INDIAN PENINSULA RAILWAY.

1052. ***Lieut.-Colonel Sir Henry Gidney:** (a) Is it a fact that the Stock Verifiers on the Great Indian Peninsula Railway are paid Rs. 200 per mensem whilst those on the East Indian and North Western Railways are paid Rs. 240 though they all come under the same conditions of the Memorandum No. 5565 of the 31st July, 1929?

(b) Do Government propose to remedy this distinction? If not, why not?

Mr. P. R. Rau: (a) The maximum of the scale of pay for Stock Verifiers on the Great Indian Peninsula Railway is Rs. 200 while on the other State Railways in India it is Rs. 240.

(b) In all these cases the maximum is the same as it was prior to the separation of Accounts from Audit in the various offices. Government see no reason to raise the pay of Stock Verifiers on the Great Indian Peninsula Railway. The question of having a uniform scale of pay for Stock Verifiers on all the State-managed railways will be considered in connection with the revised scales of pay for all subordinate services of railways, which is at present under consideration.

Lieut.-Colonel Sir Henry Gidney: Is it a fact or is it not a fact that there is a standard pay for all officials on all Railways? If the answer be in the affirmative, why should there be a difference in the standard of pay for subordinates in different State Railways?

Mr. P. R. Rau: Sir, I believe it is a fact that in all the State-managed Railways in India, there is a standard scale of pay for officers, and that is partly because they are liable to transfer from one Railway to another; but in the case of subordinates there is no such uniformity.

Lieut.-Colonel Sir Henry Gidney: Why not?

Mr. P. R. Rau: Because Government consider that there is no necessity for it.

Lieut.-Colonel Sir Henry Gidney: Are subordinates not liable to transfer, are they not in fact transferred to every other Railway?

Mr. P. R. Rau: I do not think subordinates are ordinarily transferred from one Railway to another.

PAY OF ACCOUNTANTS ON THE EAST INDIAN RAILWAY.

1053. ***Lieut.-Colonel Sir Henry Gidney:** (a) Is it a fact that in respect of the fixation of pay a distinction had been made between Accountants governed by East Indian Railway Company Rules and Accountants governed by State Railway Rules to the detriment of the former?

(b) Is it a fact that in 1926, on the introduction of State Railway grades of pay in the East Indian Railway Accounts Department, those accountants who were on East Indian Railway Company grades were fitted into the State Railway grades, but continued to be governed by the East Indian Railway Company rules, having been given the option of electing the State Railway grades without being given any indication that a bar to the attainment of the maximum of those grades would subsequently arise?

(c) Is it a fact that the majority of East Indian Railway Company men were fitted on State Railway grades in an officiating capacity and that they drew increments in those grades for five years, i.e., until 1931?

(d) Is it a fact that in 1931 it was discovered that according to a very old East Indian Railway leave rule they were not entitled to draw more than the minimum pay of the grade in which they are officiating?

(e) Is it a fact that the increments drawn by these men were withdrawn, because they had not been confirmed during their years of officiating service, the confirmation having been withheld for some unknown reason?

(f) Is it a fact that the pay thus lost by these men has never been restored in full with the result that their juniors, who happen to be governed by State Railway Rules, have retained the higher rates of pay and consequently the higher positions in the seniority lists?

(g) Is it a fact that no fault has been found in the work of these men and that the sole reason for their low pay and seniority is that they were in service prior to the East Indian Railway becoming a State Railway and because they were not apprised of the rule referred to in part (d)?

Mr. P. R. Rau: (a) Both Accountants governed by the East Indian Railway Company rules and Accountants governed by State Railway rules had their pay fixed according to the rules to which they were subject. I understand there was an unavoidable distinction because in the case of staff governed by the East Indian Railway Company rules officiating service did not count for increments.

(b) The answer to the first part of the question is in the affirmative, but I am informed there is no bar to the attainment of the maximum of these grades on confirmation.

(c) and (d). Yes.

(e) and (f). I understand that in a number of cases confirmations could not be made because the whole of the establishment was temporary till 1929, and while the staff have not lost their seniority by this delay, their pay has been fixed at less than what it would have been if they could have been confirmed earlier. The question, to which I am glad my Honourable friend has drawn my attention, is being further examined by me.

(g) I can assure my Honourable friend that the fixation of the pay of these men has not been guided by any disciplinary considerations.

Lieut.-Colonel Sir Henry Gidney: Thank you.

ENTERTAINMENT OF ADDITIONAL STAFF IN THE INCOME-TAX OFFICE IN THE MADRAS CITY.

1054. ***Mr. Muhammad Muazzam Sahib Bahadur:** (a) Will Government be pleased to state the working hours of the subordinate staff in the Income-tax Office in Madras City? Is it a fact that owing to the increased work consequent upon the reduction of the assessable minimum, the subordinate staff is called upon to work until very late hours and that even on Saturdays?

(b) Is any extra remuneration granted to the subordinate staff for such additional work or are they required to do such work on the principle that the full time of the staff is at the disposal of the Government?

(c) Do Government propose to sanction additional staff to cope with the increased work?

The Honourable Sir George Schuster: (a) The working hours of the Income-tax Offices in Madras City are 11 A.M. to 5 P.M. including Saturdays. Some of the subordinate staff employed for the assessment of lower incomes remain at work for one or two extra hours on some occasions, especially during the closing months of the year in order to clear off arrears.

(b) No extra remuneration is paid as the staff is expected to work for one or two extra hours whenever there is a rush of work.

(c) The additional staff required is being sanctioned.

CHARGE OF POLITICAL AGENTSHIP OF STATES IN ORISSA.

1061. ***Kumar Gupteshwar Prasad Singh** (on behalf of Mr. B. N. Misra): Do Government contemplate to give the charge of the Political Agentship into the hands of the Governor in the new province of Orissa?

Mr. H. A. F. Metcalfe: No, Sir.

HEADQUARTERS OF THE POLITICAL AGENT OF STATES IN ORISSA.

1062. *Kumar Gupteshwar Prasad Singh (on behalf of Mr. B. N. Misra): Is it a fact that the number of the States of Orissa are more than that of the Central Provinces? If so, are Government prepared to consider whether the headquarters of the Agent's office should not be somewhere in the future Orissa Province in a place like Cuttack or Puri?

Mr. H. A. F. Metcalfe: Yes. Ranchi has been chosen temporarily as the headquarters of the combined Agency both in view of its geographical situation as almost all the States are comparatively easily accessible from it, and also because accommodation was available for the office and Agency staff at economical rates. At the present time the Honourable Member is doubtless aware that Government would be entirely unjustified in embarking upon Schemes involving heavy additional expenditure, and it has been possible to inaugurate the new Scheme at a cost less than that previously incurred when the States were in relation with the Local Governments. The question of change of headquarters from Ranchi to any other station will depend upon experience of actual working.

Mr. Gaya Prasad Singh: Why should not Ranchi be permanently chosen as the headquarters, considering all the advantages which have been mentioned by my Honourable friend?

Mr. H. A. F. Metcalfe: For the present it has been so chosen, but it may be possible that in the course of working some other place may be found either more convenient or more economical. There is at present no intention of changing it from Ranchi.

Mr. B. Das: Will the Honourable Member kindly bear in mind the fact that the province of Bihar has no feudatory State, and that no Bihari will be employed in the office of the Agent to the Governor General?

Mr. H. A. F. Metcalfe: Those considerations will certainly be borne in mind.

CREATION OF NEW OFFICE OF THE POLITICAL AGENT FOR THE STATES OF ORISSA AND THE CENTRAL PROVINCES.

1063. *Mr. B. N. Misra: Will Government be pleased to state:

- (i) whether a new office of the Political Agent for the States of Orissa and the Central Provinces is going to be started with effect from the 1st April, 1933;
- (ii) what is the total number of the States that will come within the jurisdiction of this office from Orissa and the Central Provinces, respectively;
- (iii) how many Oriya speaking States there are in the Central Provinces which are claimed to be Oriya States;
- (iv) what is the population of Oriyas in those States, viz., Bastar, Jaspur, etc.;

(v) what is the proportion of the percentage of population of the people speaking the languages of:

- (a) Oriya,
- (b) Bengalee,
- (c) Hindustani, and
- (d) other non-Oriya languages,

(vi) what is the proportion of the percentage of people of following different communities:

- (a) Oriyas,
- (b) Bengalees,
- (c) Hindustanis,
- (d) other non-Oriyas, other than
- (e) Aborigines;

(vii) how many clerks, typists and what other staff will be taken for this new office;

(viii) what is the percentage of Oriya representation in proportion to the non-Oriyas in the new office;

(ix) whether Government contemplate taking into this office any of the clerks from the Political Agent's office of Sambalpur?

Mr. H. A. F. Metcalf: (i) The Honourable Member has, doubtless, seen the Press Communiqué of the 20th of March, but I may take this opportunity of explaining the proposed arrangements. The Agent to the Governor General of the new Eastern States Agency which will comprise the States of Bihar and Orissa and Central Provinces (excluding Makrai) will have, as from the 1st of April, 1933, his temporary headquarters at Ranchi. His staff will include a Secretary, and at Sambalpur another Secretary and Political Agent.

(ii) 26 States from Bihar and Orissa and 14 excluding Makrai from Central Provinces.

(iii) to (vi). The collection of the information, for which the Honourable Member asks, would entail considerable time and labour and the statistics can no doubt be obtained from books of reference such as Census Reports and Gazetteers, which are available to the public.

(vii) It is proposed to entertain the following staff for the new office:

- 1 Agent to the Governor General, Eastern States.
- 1 Secretary to the Agent to the Governor General, Eastern States at Ranchi.
- 1 Secretary to the Agent to the Governor General, Eastern States, and Political Agent, Sambalpur.
- 1 Assistant Secretary.
- 1 Superintendent.
- 8 Head Assistants.
- 8 Assistants.
- 18 Clerks and typists.

- 3 Stenographers.
- 3 Daftaries.
- 3 Jamadars.
- 22 Peons.
- 2 Chowkidars.

(viii) The question of filling individual appointments is still under consideration.

(ix) Yes.

TENDER CALLED FOR BY THE INDIAN STORES DEPARTMENT FOR ENAMEL NAVY GREEN.

1075. ***Mr. D. K. Lahiri Chaudhury**: (a) Is it a fact that the Indian Stores Department called for tender No. H.-5790 for 6,400 gallons of enamel navy green?

(b) Is it a fact that Messrs. Jenson and Nicholson were not able to submit any sample with the tender?

(c) Is it a fact that a contract was made by the Indian Stores Department with Messrs. Jenson and Nicholson for the supply of 4,000 gallons of enamel navy green at Rs. 11-4-0 per gallon? If so, will Government be pleased to state why in the absence of any sample submitted by the tenderer and tested by the Government Test House the tender was accepted?

(d) Will Government be pleased to state whether their supply of 4,000 gallons of enamel navy green proved a failure and unsatisfactory?

(e) Is it a fact that Messrs. Murarka Paint & Varnish Works, Limited, quoted Rs. 6-8-0 per gallon for their enamel navy green which fully satisfied and conformed to the composition of pigments laid down in the Indian Stores Department specification?

(f) Is it a fact that the enamel navy green sample of Messrs. Murarka Paint & Varnish Works, Limited, gave a more glossy film?

The Honourable Sir Frank Noyce: With your permission, Sir, I propose to reply to questions Nos. 1075, 1076 and 1077 together.

The information is being collected and a statement will be laid on the table in due course.

TESTING OF SAMPLES OF ENAMEL NAVY GREEN BY THE GOVERNMENT TEST HOUSE, ALIPORE.

†1076. ***Mr. D. K. Lahiri Chaudhury**: (a) Is it a fact that several samples of enamel navy green submitted with the Indian Stores Department, tender No. H.-5790, were tested by the Government Test House, Alipore? If so, will Government be pleased to state whether the Alipore Test House gave any test report about Messrs. Jenson and Nicholson's sample?

(b) Will Government be pleased to place a copy of that report on the table of the House? If not, why not?

(c) Do Government propose to place a copy of the Test House report about Murarka's regarding their sample of the enamel navy green on the table of the House? If not, why not?

† For answer to this question, see answer to question No. 1075.

(d) Is it a fact that the Indian Stores Department accepted the tender of Messrs. Jenson and Nicholson for the supply of 4,000 gallons of enamel navy green on the recommendation of the Government Test House, Alipore? Will Government be pleased to state how the Alipore Test House submitted a report about Messrs. Jenson and Nicholson's Enamel Navy Green? Was any sample submitted by the firm with the tender?

SUPPLY OF ENAMEL PURPLE BROWN TO THE EASTERN BENGAL RAILWAY THROUGH THE INDIAN STORES DEPARTMENT.

†1077. ***Mr. D. K. Lahiri Chaudhury:** (a) Is it a fact that the Indian Stores Department entered into a contract with Messrs. Hoyle Robson Barnett & Co., Limited, in 1932-33 for the supply of enamel purple brown to the Eastern Bengal Railway at Rs. 40 per cwt. *f. o. r.*, Calcutta?

(b) Is it a fact that the terms of the contract for purchasing the enamel purple brown to the Eastern Bengal Railway was violated?

(c) Is it a fact that the same stuff was purchased from Messrs. Jenson and Nicholson at Rs. 9.8-0 per gallon (specific gravity said to be 12lbs. to a gallon) while the contract was in force with Messrs. Hoyle Robson Barnett & Co., Limited?

(d) Is it a fact that Government paid about Rs. 48 per cwt. extra for the enamel purple brown purchased by them from Messrs. Jenson and Nicholson?

(e) Will Government be pleased to state the total amount of enamel purple brown purchased by the Indian Stores Department from Messrs. Jenson and Nicholson and what was the total amount of loss to the Indian exchequer involved in this transaction?

(f) Do Government propose to inquire into the reasons for which the purchase was made when a contract for the supply of the same was in force with another firm?

(g) Will Government be pleased to state who are responsible for this purchase and do Government propose to punish the officers involved through whose fault Government lost so much money? If not, why not?

USE OF "MURACO BLACK" PAINT ON STATE RAILWAYS.

1078. ***Mr. Muhammad Anwar-ul-Azim:** (a) Is it a fact that all the State Railways in India were supplied in 1930 with samples of "Muraco Black", an indigenous black paint for testing? If so, are Government prepared to ask the Railways to supply the Indian Stores Department with their reports?

(b) Are Government aware that the East Indian Railway tested "Muraco Black" under two years' exposure test on wagons running on actual traffic and found the paint to be satisfactory and economical?

(c) Are Government aware that the Eastern Bengal Railway, insists on another two years' exposure test to be carried on by themselves on their own wagons before they can substitute "Muraco Black" for the 3 per cent. carbon black of Jenson Nicholson that is being used by them? If not, do they propose to enquire? If not, why not?

†For answer to this question, see answer to question No. 1075.

(d) Will Government be pleased to state the reasons why the test report of one State Railway is not acceptable to other State Railways? Do the Railway Board propose to call for the test report of the "Muraco Black" and submit the same to all other State Railways for the use of the "Muraco Black" provided the Muraco Black has been found cheaper and economical in the long run? If not, why not?

(e) Will Government be pleased to state the total number of gallons of ready mixed black paint that has been consumed by all the State Railways during each of the last three years?

(f) Will Government be pleased to state whether the Eastern Bengal Railway authorities carried out the two years' exposure test before they purchased the 3 per cent. carbon black ready mixed paint from Messrs. Jensen Nicholson? If not, will Government be pleased to state why the Eastern Bengal Railway is insisting on another two years' exposure test?

(g) Is it a fact that Eastern Bengal Railway, is purchasing Kearsley's black paint from Messrs. Robert Kearsley, an English firm? If so, will Government be pleased to state whether the same firm failed to deliver paints in time? Is it a fact that the paint works of the Eastern Bengal Railway had to be shut down for want of supply of black paints?

(h) Will Government be pleased to state what black paint they had to purchase immediately in order to keep the paint works running?

(i) Will Government be pleased to state the name of the firms which rescued the Eastern Bengal Railway in times of need and will they be pleased to state the quantity of paint which that firm had to supply at short notice?

(j) Will Government be pleased to state whether the firm which supplies black paint used by the East Indian Railway at Lillooah failed to supply the black paint in time resulting in the closing down of the works?

(k) Will Government be pleased to state the name of the firm which supplied the black paint and kept the works going at Lillooah?

(l) Is it a fact that the firm had to supply the paint at 88 hours' notice and they fulfilled their contract at that short notice? If so, are Government prepared to purchase the whole amount of their requirements of black paint from that firm? If not, why not?

Mr. P. B. Rau: The information asked for by the Honourable Member is being obtained from railways and, on receipt, will be laid on the table.

POSSESSION OF A DIPLOMA OR CERTIFICATE IN THE HINDI LANGUAGE BY THE SUPERINTENDENT OF EDUCATION, DELHI.

1080. *Dr. Ziauddin Ahmad (on behalf of Mr. M. Maswood Ahmad): With reference to the reply to part (c) of my starred question No. 800, laid on the table on the 28th February, 1933, in which Government stated that "the medium of instruction in primary schools in the Central India Agency is Urdu, Hindi, Gujrati and Marathi," and the reply to part (e) of the same question in which instead of mentioning any diploma in Hindi, if any, possessed by the Superintendent of Education as asked in the question, Government simply stated that "the Superintendent of Education is fully conversant with Hindi", will Government now kindly state whether the Superintendent has any diploma or certificate for a knowledge of Hindi?

Mr. H. A. F. Estcoate: With your permission, Sir, I propose to answer questions Nos. 1080 to 1082 together. The required information is being collected and will be given to the House in due course.

QUALIFICATIONS POSSESSED BY THE SUPERINTENDENT OF EDUCATION, DELHI, IN THE GUJRATI AND MARATHI LANGUAGES.

†1081. Dr. Ziauddin Ahmad (on behalf of Mr. M. Maswood Ahmad): Will Government be pleased to state what recognised qualifications the present Superintendent of Education possesses in the Gujrati and Marathi languages qualifying him to hold formal inspection and to judge the instructional work of the primary schools in which the medium of instruction has been said to be Gujrati and Marathi?

EXPENDITURE ON INSPECTORATE IN THE ADMINISTERED AREAS IN CENTRAL INDIA.

†1082. *Dr. Ziauddin Ahmad (on behalf of Mr. M. Maswood Ahmad): With reference to part (b) of my starred question No. 801, replied on the 28th February, 1933, will Government kindly place on the table of the House the following details of the total expenditure on inspectorate in the year preceding the appointment of the present Superintendent of Education and in the year 1932 (after his appointment) separately:

- (1) Pay of the Inspector of Schools, Central India.
- (2) Pay of Inspector's office clerks.
- (3) Pay of Inspector's office peons.
- (4) Travelling allowance of the Inspector and his peons, etc.
- (5) Inspector's office contingencies.
- (6) Pay of the Superintendent of Education (Central India in 1932).
- (7) Pay and special pay of Superintendent's stenographer.
- (8) Pay of the Superintendent's peons.
- (9) Pay of the Superintendent's office clerks.
- (10) Travelling allowance of the Superintendent and his attached staff.
- (11) Superintendent of Education's office contingencies.
- (12) Miscellaneous expenditure?

† For answer to this question, see answer to question No. 1080.

POWER HOUSES GENERATING ELECTRIC CURRENT OWNED BY THE GOVERNMENT OF INDIA IN JHANSI.

1088. ***Mr. B. Das** (on behalf of Lala Rameshwar Prasad Bagla): (a) Are Government aware that in Jhansi, in addition to the power house belonging to the Jhansi Electric Supply Company, there are three other power houses generating electric current owned by the Government of India?

(b) Is it a fact that the military authorities are running and maintaining two power houses at Jhansi, one for the Cantonment area and the other for Jhansi Fort?

(c) Will Government be pleased to state the cost that they are incurring in running these two military power houses including all maintenance charges and salaries of all connected or associated officers therewith?

(d) Is it a fact that the military authorities besides meeting their own requirements are supplying current to hotels, shops and private residents in the Cantonment of Jhansi and if so, at what rate?

(e) Are Government prepared to consider the desirability of taking steps to:

- (i) see that the military authorities do not supply current to non-military residences and persons;
- (ii) see that steps are taken to reduce or discontinue the number of military power hands;
- (iii) enquire whether it would not be economical and in the interests of both the military authorities and the general public of Jhansi that only one power house capable of meeting both civil and military requirements of Jhansi is maintained and to consider the desirability of the military authorities taking their supply of electric energy in bulk from the public Supply Company at Jhansi?

Mr. G. R. F. Tottenham: (a) and (b). Yes.

(c) In 1931-32 the total cost, including working and overhead charges, depreciation, interest, etc., was about Rs. 80,000 for the Cantonment Power House and Rs. 6,000 for the Fort Power House.

(d) Houses and buildings within the military area are supplied by the Military Engineer Services. The charge is annas four per unit for electrical energy supplied for domestic purposes and annas one to two for industrial purposes.

(e) (i). The suggestion of the Honourable Member will be considered if the local Supply Company will undertake to provide electric energy at reasonable rates to private residences in the area served by the Cantonment Power House.

(ii) No reduction of the establishments at the Military Power Houses in Jhansi is possible.

(iii) A proposal that a bulk supply should be taken from the public Supply Company has already been examined and rejected, as it would not lead to economy. The rates proposed by the Company were higher than the rates at which electric energy is generated in the Military Power Houses.

RE-EMPLOYMENT OF DISCHARGED PERSONS IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

1084. *Pandit Satyendra Nath Sen: (a) Are Government aware that in many railway offices men discharged for the purposes of retrenchment have nearly all been taken up again?

(b) If so, in how many such offices and which are they?

(c) Is it not a fact that the method adopted has been to make people on the top to retire and thereby to make room for people with lesser salaries? If so, do Government approve of it?

(d) What are the offices in connection with the Railway administration where this principle of retrenchment and employment has not been adopted?

(e) Is it not a fact that the office of Director, Railway Clearing Accounts, has not followed the said principle? If so, why?

Mr. P. E. Rau: (a) and (b). Railways maintain waiting lists of men discharged during the block retrenchments and appoint them as and when vacancies occur, and no outsider is appointed so long as a suitable candidate from the waiting list is available. Government have no information as to the extent to which these discharged men have been reappointed.

(c), (d) and (e). The method of retrenchment adopted in regard to railway staff in connection with the recent retrenchment is that of length of service and is based on the recommendation of the Court of Enquiry. As regards the Clearing Accounts Office I would invite my Honourable friend's attention to the reply I gave on the 25th February, 1933, to his question No. 492.

PROMOTION OF TELEGRAPHISTS TO POSTS AND TELEGRAPH MASTERS.

1085. *Pandit Satyendra Nath Sen: (a) Will Government be pleased to state whether it is a fact that in addition to passing the Telegraph Mastership examination, a telegraphist must put in 15 years service and pass the efficiency bar, before his claims for promotion to Telegraph Mastership could be considered? If so, why?

(b) Is it a fact that in cases of promotion by examination to higher ranks in other branches of the Posts and Telegraphs Department and in almost all Government Departments seniority for promotion is counted from the date of passing the examination? If so, why is not the same principle applied for promotion to Telegraph Mastership?

(c) Did the Retrenchment Sub-Committee recommend that merit should be given preference over seniority in the Telegraph Department? If so, has this recommendation been accepted by Government?

(d) Do Government propose to change this rule for promotion to Telegraph Mastership and fix seniority from the date of passing the Telegraph Mastership Examination irrespective of the number of years of service as a telegraphist? If not, why not?

Sir Thomas Ryan: (a), (b) and (d). The position in general is as understood by the Honourable Member. It is perhaps unnecessary to set out the reasons which led to the adoption of the existing system several years

ago, as the whole matter of promotion in the traffic branch is about to be reviewed in the light of the report recently submitted by the Committee presided over by Mr. Varma.

(c) Yes, in the case of the higher posts. The attention of the Honourable Member is invited to the reply to his unstarred question No. 31 on the 25th February, 1933.

TRADE CARRIED ON IN NEW DELHI.

1086. *Pandit Satyendra Nath Sen: (a) Is it a fact that recently under a notification of the Government of India, New Delhi has ceased to be merely a residential quarter and has assumed the position of a trading centre, as it has been announced in an article in the *Statesman*, of the 23rd February last?

(b) Has this declaration by a notification got anything to do:

- (1) with the imposition of the terminal-tax;
- (2) with the imposition of a tax on cows and female buffaloes;
- (3) with the installation of water meters in the clerks quarters?

(c) If the answer to part (b) be in the negative, will Government be pleased to say:

- (1) Is it the intention of the declaration to segregate the cows and buffaloes out of the city;
- (2) What special trade is carried on in New Delhi in the Gole Market and in the Connaught Place and what is its annual value?

Mr. G. S. Bajpai: The Government of India have not issued any such notification as is referred to in part (a) of this question. They have called for information from the Local Administration and will communicate the result to the House in due course.

WASTAGE OF WATER IN THE CLERKS' QUARTERS IN NEW DELHI.

1087. *Pandit Satyendra Nath Sen: (a) Will Government be pleased to say with reference to the reply given by Mr. G. S. Bajpai to a question put by Mr. Maswood Ahmed in November last, how they have come to understand that much wastage of water is caused in the clerks quarters in New Delhi?

(b) What is the basis on which that statement was made?

Mr. G. S. Bajpai: (a) and (b). Enquiries showed that in 1931 on an average 90 gallons of water per head per day were consumed in each of the clerks' quarters which were not fitted with meters, whereas in the buildings that are metered the consumption varied between 20 and 25 gallons per head per day.

Mr. B. Das: Is the Honourable Member prepared to put a meter in the houses where the officers reside? Is it not a fact that the officers are allowed 110 gallons per day per head?

Mr. G. S. Bajpai: Meters are already fitted in the residences where the officers reside and I can say, from my personal experience, that I do not use 110 gallons per day.

Sirdar Harbans Singh Brar: Does not the Honourable Member think that the cleanliness of clerks' quarters will be considerably affected if a limit is placed on the consumption of water and that, if a meter is fitted, they will use less water?

Mr. G. S. Bajpai: I do not think that those who are not so generous in using water as those who have 90 gallons per day do not maintain cleanliness in their quarters.

INSTALLATION OF WATER METERS IN CLERKS' QUARTERS IN NEW DELHI.

1088. *Pandit Satyendra Nath Sen: (a) Is it a fact that the rent of the Government quarters in New Delhi is assessed for each building at a sum calculated to cover cost of (1) interest charges on the capital cost, (2) maintenance charges, and (3) municipal and other taxation and that the amount of rent that can be recovered from each individual tenant is limited to 10 per cent. of his pay?

(b) Is it a fact that the value of the land under buildings, intended for rental purposes, is calculated on the total outlay?

(c) Is it a fact that, *vide* the replies of Col. Sir S. Crookshank to question No. 281 on the 19th September, 1921, in this House, the tenants of the Government quarters pay "for the cost of water and electric current" supplied in addition to the rent paid and also pay "rent on the cost of water, electric and sanitary installations in addition to the rent of the building"? If so, why are meters being installed now on the water supplied to the tenants?

(d) Are these meters installed for (1) restricting the supply of water or (2) for imposing further taxation on the tenants for the water supplied?

(e) If the reply to part (d) (1) be in the affirmative, what is the motive of the Government underlying it and how are they going to restrict?

(f) Will Government please state precisely on the basis of what resolution of the Governor-General in Council or any supplementary rules the Government want to impose this tax?

The Honourable Sir Frank Noyce: (a) Yes, but subject to a maximum limit of 10 per cent. of the occupier's emoluments. Municipal and other taxes in the nature of house and property tax payable by Government in respect of each residence is included in this calculation of rent.

(b) No.

(c) and (d). The reply given by Colonel Sir Sydney Crookshank in 1921 indicated the procedure in force prior to the issue of the Fundamental Rules in accordance with which in the New Delhi residences the cost or value of sanitary, water supply and electric installations and fittings is now taken into calculation in the assessed rent which is, however, as I have said before, limited to 10 per cent. of the occupant's emoluments.

Meters are installed to check wastage of water and to determine the amount consumed. Charges for water consumed are a different matter from the rent of water supply installations and form no part of the assessed rent levied by Government.

(e) and (f). Do not arise.

ADDITIONAL WATER TAX FOR CLERKS QUARTERS IN NEW DELHI.

1089. ***Pandit Satyendra Nath Sen:** (a) What is the proper and clear explanation of the Supplementary Rules 325 and 334?

(b) With reference to correction list Nos. 229 and 230, dated the 29th March, 1932, will Government please state whether the tenants will have to pay anything in addition to what they are paying already as water tax, etc., or will rule (8) of the Supplementary Rules 325 and 334 be applied in this case?

(c) What is the cost of construction of different types of quarters for the subordinate staff?

(d) Was the revision of rent made on the introduction of the Fundamental Rules on the cost of construction of the quarters and on the special services?

The Honourable Sir Frank Noyce: (a) The rules appear to me to be sufficiently clear.

(b) The amended sub-rules contained in correction lists 229 and 230 apply to electric energy and water supplied by Government to residences. If the Honourable Member's question refers to New Delhi I may point out that, as electric energy and water are supplied here to residences by the Municipality, there is no question of any charge levied by Government under these sub-rules.

(c) The average cost of Orthodox clerks' quarters in New Delhi, to which, I take it, the Honourable Member is referring, is:

Class.	Cost per quarter including engineering services.
A.	7 620
B.	6,777
C.	4,318
D.	3,239
E.	3,444

(d) Yes.

POPULATION OF NEW DELHI.

1090. ***Pandit Satyendra Nath Sen**: (a) Will Government be pleased to lay on the table a statement showing:

- (1) Total population of New Delhi;
- (2) Total population in all the clerks quarters living during this cold season;
- (3) Total population in the clerks quarters during the last summer-season and that will remain during the next summer;
- (4) Total population living in all the gazetted officers quarters during this season;
- (5) That will remain during the next hot weather;
- (6) Total non-official population in residence during this season;
- (7) That will remain during the next hot weather;
- (8) Water consumed approximately per month in the clerks quarters.
 - (1) during the winter 1932-33, (2) during hot weather 1932,
 - (3) which is expected to be consumed during the summer season 1933; and
- (9) Also water consumed by the non-official public during the hot weather 1932 and winter 1932-33?

(b) Why is there no water supply system on the roads of New Delhi?

(c) Is it a fact that the population of New Delhi is increasing?

(d) If so, do Government propose to impose a tax on the population to check the overcrowding?

Mr. G. S. Bajpai: Enquiries have been made and the information will be furnished to the House in due course.

NAMING OF ROADS IN NEW DELHI.

1091. ***Bhai Parma Nand** (on behalf of Mr. S. G. Jog): (a) Will Government please state on what basis the different names are given to different roads in New Delhi?

(b) If the names are given on the historical importance of the persons, was there any record collected with reference to the persons whose names have been associated with these roads?

(c) Are Government prepared to consider any suggestions to associate the new roads with the names of other persons or families who are of great historical importance?

(d) Are Government aware that the Peshwas from Poona, have played a very important part in the history in the seventeenth and eighteenth centuries as warriors and statesmen and had great influence in the Court at Delhi?

(e) Are Government aware that the Scindia family and particularly Mahadaji Scinde had played an important part and was a personage of great influence?

(f) Do Government propose to associate some roads with the names of the two great families?

The Honourable Sir Frank Noyce: (a) and (b). The names of the roads were settled in personal discussion in 1919 and definite information regarding the basis on which the names were selected is not available.

(c) I shall be happy to receive any reasonable suggestions in the matter, and to give them due consideration when a suitable opportunity offers itself.

(d) and (e). I have no reason to doubt the accuracy of my Honourable friend's historical knowledge.

(f) The suggestion will be considered when there is a further occasion for naming streets in New Delhi.

Mr. K. C. Neogy: With reference to answer to part (c), will the Honourable Member be pleased to consider the desirability of naming the new roads after the names of some distinguished Members of the Assembly?

The Honourable Sir Frank Noyce: I doubt, Sir, if any opportunity for naming new roads will occur during my term of office.

INDENTS PLACED BY THE GREAT INDIAN PENINSULA RAILWAY WITH THE INDIAN STORES DEPARTMENT.

1092. **Mr. Uppi Sahab Bahadur:** (a) Will Government be pleased to state the number of indents of the value of Rs. 5,000 and above that were placed by the Great Indian Peninsula Railway with the Indian Stores Department during the current year upto 28th February, 1938, in which the delivery terms were immediate?

(b) Is it a fact that on account of such immediate delivery terms, lowest tenders for forward delivery of such articles could not be accepted? If so, will Government be pleased to state the reasons why the Great Indian Peninsula Railway indented with immediate delivery terms?

(c) Will Government be pleased to lay on the table a statement giving the following details of the indents of the Great Indian Peninsula Railway:

- (1) Number and date of the indent,
- (2) The officer who indented,
- (3) Names of the articles of stores indented,
- (4) Quantity of the stores indented,
- (5) Firms from which such stores were purchased,
- (6) The rate at which the materials were purchased,
- (7) Lowest quotation received for such articles for forward delivery,
- (8) The reasons for such articles being indented with immediate delivery terms and why earlier indents could not be sent in such case,
- (9) The extra cost involved on each of such indents?

Mr. P. R. Rau: Any information that is readily available will be collected and laid on the table when received.

ABSENCE OF A WATER TAP ON THE UNAO RAILWAY STATION.

1093. *Rai Bahadur Lala Brij Kishore: Are Government aware that there is no water tap in Unao Railway Station which is a junction station, and if so: will Government be pleased to state what necessary action they propose taking in the matter to remove the inconveniences caused to the passengers?

Mr. P. R. Rau: Government have no information, I am sending a copy of the question to the Agent, East Indian Railway, for any action he may consider necessary.

Rai Bahadur Lala Brij Kishore: Can I expect an answer in this Session?

Mr. P. R. Rau: I am afraid I could not catch the Honourable Member.

Dr. Ziauddin Ahmad: Is the reply expected at all?

Mr. P. R. Rau: I do not think so. This is a matter within the competence of the local authorities.

LIABILITY OF OFFICERS OF THE UNAO RAILWAY STATION TO PAY MUNICIPAL TAXES.

1094. *Rai Bahadur Lala Brij Kishore: Is it a fact that all officers of Unao Railway Station are liable to pay municipal taxes; if so, why should they be made liable to pay the taxes? Do they make their own arrangement for water, lighting and sweepers?

Mr. P. R. Rau: Government have no information. The question whether they are liable to pay Municipal taxes or not depends on the relevant Acts.

GRADES OF ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

1095. *Rai Bahadur Lala Brij Kishore: (a) Will Government be pleased to state, if it is a fact that there is only one grade for Indian Assistant Station Masters on the old East Indian Railway section irrespective of the fact whether the Assistant Station Master is serving on a small road side station or big stations like Etawah, Mirzapur, etc., although the grades of Station Masters on their stations are higher than those obtaining at other stations?

(b) If the answer to part (a) be in the affirmative, are Government prepared to consider the advisability of bringing the Assistant Station Masters in line with Station Masters in this matter?

Mr. P. R. Rau: Government have no information but I have sent the Honourable Member's question to the Agent, East Indian Railway, for information and such action as he may deem necessary.

PROMOTION OF INDIAN ASSISTANT STATION MASTERS TO THE POSTS OF PLATFORM ASSISTANTS ON THE EAST INDIAN RAILWAY.

1096. *Rai Bahadur Lala Brij Kishore: (a) Will Government be pleased to state, if it is a fact that on old East Indian Railway section Indian Assistant Station Masters are debarred from promotion to the posts of Platform Assistants at big junction stations and promotion to these posts

is made from Railway guards? Is it not a fact that no Indian Assistant Station Master has been promoted to these posts on the old East Indian Railway section?

(b) If the answer to part (a) be in the affirmative, are Government prepared to consider the advisability of promoting Indian Assistant Station Masters to these posts?

Mr. P. R. Rau: I am obtaining information and will lay a reply on the table in due course.

RECRUITMENT OF MUSLIMS IN THE PUNJAB POSTAL CIRCLE.

1097. ***Sardar Sant Singh:** (a) When laying on the table the information promised in answer to starred question No. 816, asked by Seth Haji Abdoola Haroon, on the 21st March, 1933, will Government please also state whether the recruitment of Muslims alone has been ordered by Muslim Postal Superintendents in the Punjab in their respective Divisions?

(b) What is the present percentage of Sikhs in this Department in the Punjab?

The Honourable Sir Frank Noyce: (a) Government do not consider it necessary to make the enquiry suggested by the Honourable Member. The progress of recruitment is being so closely watched that they are satisfied that there can be no case in which such orders have been passed by a Superintendent. If however the Honourable Member is in possession of authentic information to the contrary and will furnish it to me I shall be happy to make an enquiry.

(b) 5.71 per cent..

Sardar Sant Singh: May I inquire why Government are ordering an inquiry in the case of Muslims and not in the case of Sikhs?

The Honourable Sir Frank Noyce: To the best of my recollection, I think we found that, in the case of Muslims, the allegation was unfounded and, therefore, unless we have definite reasons for doing so, we are not prepared to make an inquiry into this allegation. As I have said, if the Honourable Member can furnish me with any facts or some kind of evidence on which this question is based, I shall be very glad to go into it. But I am not prepared to examine a general allegation.

Sardar Sant Singh: May I inform the Honourable Member that even in the Lyallpur district certain orders were received by the Superintendent posted there that Muslims alone are to be recruited in postal service there, and that this is not the only instance, but that there are other cases too in the Punjab?

The Honourable Sir Frank Noyce: As the Honourable Member has now furnished me with a specific instance, I shall be glad to examine the question. I should, however, be grateful if he could give me some idea of the date when these orders were issued.

ACCOMMODATION PROVIDED TO THE OFFICERS OF THE NORTH WESTERN RAILWAY.

1098. *Lieut.-Colonel Sir Henry Gidney: With reference to the answer to starred question No. 781 on the 20th March, 1938, will Government please state whether it is a fact that officers of the North Western Railway receive a larger amount of accommodation than is justified by the actual rent paid by them as compared with subordinates?

Mr. P. E. Rau: The rents of both officers and subordinates quarters are assessed on the accommodation provided, which is based on the floor areas of rooms, verandahs, etc., but the rates per 100 square feet of floor area are higher in the case of officers' quarters than on subordinates quarters. The rents recoverable from occupants whether officers or subordinates are also subject to a maximum limit of 10 per cent. of the then emoluments. The designs of the various classes of quarters and the accommodation provided in each case are regulated so as to ensure, as far as practicable, a uniform return on their capital costs.

Lieut.-Colonel Sir Henry Gidney: Is it a fact that quite recently a certain revaluation and re-assessment of rent for officers has been made on the North Western Railway which has placed officers in a much more favourable position than subordinates?

Mr. P. E. Rau: I am not aware of any such revaluation.

Lieut.-Colonel Sir Henry Gidney: Is it or is it not a fact that the rent of Railway subordinates has been increased lately by nearly 70 per cent?

Mr. P. E. Rau: I think this question was asked by the Honourable Member some time ago and I told him that I was not aware of any such thing happening on the North Western Railway.

Lieut.-Colonel Sir Henry Gidney: Is it or is it not a fact that it has happened in other Railways?

Mr. P. E. Rau: I think, Sir, my Honourable friend brought to my notice some such thing in the East Indian or the Eastern Bengal Railway.

Lieut.-Colonel Sir Henry Gidney: Yes, I did in the East Indian Railway.

PERSONS RECEIVING HONOURS IN THE CENTRAL PROVINCES AND BERAR.

1099. *Bhai Parma Nand (on behalf of Mr. S. G. Jog): (a) Is it not a fact that the Honours' List is issued twice a year?

(b) Is it not a fact that the number of persons receiving honours in the Central Provinces and Berar is poorer as compared with the other Provinces?

Mr. H. A. F. Metcalfe: (a) Yes.

(b) No. Taking into consideration their size, population and other circumstances, the Central Provinces and Berar have not been treated unfavourably in the matter of honours in comparison with other Provinces.

Mr. Amar Nath Dutt: Will it not facilitate the business of this House if the Honours List is issued monthly during the Assembly Session?

Mr. H. A. F. Metcalfe: I cannot undertake that that shall be done.

Mr. Gaya Prasad Singh: Do Government propose to abolish the conferment of so-called Honours on non-official gentlemen so as to place them beyond the reach of temptation?

Mr. H. A. F. Metcalfe: I have heard of no such proposal at present.

Mr. S. C. Mitra: Is it not a fact that we have one Knight from the Central Provinces in this House and another Knight from that province in the other House?

Mr. H. A. F. Metcalfe: The Honourable Member can ascertain that information from the Assembly list.

Mr. Lalchand Navalrai: May I know if these titles and Honours are conferred upon people in other countries also besides the United Kingdom and India?

Mr. H. A. F. Metcalfe: I think most countries have some form of decoration which they give to deserving subjects.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state what is the system in America?

Mr. H. A. F. Metcalfe: I cannot undertake to state that as I have no information on the subject.

Mr. Lalchand Navalrai: Will the Honourable Member say about Canada?

Mr. H. A. F. Metcalfe: So far as I am aware, decorations in Canada are given by His Majesty the King-Emperor.

Mr. Amar Nath Dutt: May I know the minimum qualifications for a Knighthood and all the other titles lower down? (Laughter.)

Mr. H. A. F. Metcalfe: I have no information on that subject either.

PROPOSED DEMOLITION OF CERTAIN HOUSES IN THE SECUNDERABAD CANTONMENT.

1100. ***Khan Bahadur Haji Wajihuddin:** (a) Are Government aware that in the Secunderabad Cantonment notices under section 138 Cantonments Act of 1924 have been issued by the Executive Officer to about 600 house-owners, requiring them to demolish their houses within one month from the date of the receipt of the notices?

(b) Is it a fact that these notices have been issued on the plea of removing congestion in a locality of the cantonment alleged to be thickly populated by the Indians?

(c) Are Government aware that those notices have been issued in pursuance of a town-planning scheme for opening a new central road 84 feet wide, through the heart of the cantonment with a view to connecting Bolaram with Secunderabad by a direct road?

(d) Is it a fact that the notices mentioned above contemplate not only the clearing of a strip of land 84 feet wide along a distance of about one mile required for the road but the acquiring, by demolition of houses, of land 270 feet wide, measuring about 45 acres in all and that after this area is cleared, there will be left open land 98 feet wide on either side of the road, which it is intended to divide into building sites to be sold by auction for the construction of new houses on an approved design?

(e) Are Government aware that the Cantonment Authority expects to realise about Rs. 14 lakhs by sale of these building sites?

(f) Are Government aware that the estimated cost of carrying out the whole scheme is about Rs. 12 lakhs and the people believe it to be more a business proposition than that of public health? What have Government to say to remove this impression?

(g) Is it a fact that more than 2,000 families reside in the 600 houses proposed to be demolished and more than ten thousand persons will be unhoused if the demolition orders are carried out?

(h) What arrangements have Government made to provide shelter and house-accommodation to these 2,000 families, after the present houses are demolished?

(i) Are Government aware that the hot and rainy months in Secunderabad are very oppressive? What arrangements, if any, have Government made to protect such a large number of people from the sun and the rain?

(j) Is it a fact that the notice issued by the Executive Officer does not contain therein any reference to the orders of the Cantonment Authority under which that notice has been issued, nor is a copy of those orders enclosed with the notice?

(k) Have the house-owners concerned pointed out that the notice is invalid? What are the objections of the house-owners to the validity of the notice? How do Government propose to meet those objections?

(l) Has the Cantonment Authority of Secunderabad obtained the sanction of the General Officer Commanding-in-Chief, Southern Command, for opening the new road under section 192 of the Cantonments Act? If so, has a reference to this sanction been given in the notice? If not, why has the sanction not been obtained and why were the notices under section 188 issued without obtaining such sanction?

Mr. G. R. F. Tottenham: With your permission, Sir, I propose to answer questions Nos. 1100, 1101 and 1102 together.

The Government of India are aware that a town planning scheme for the removal of congestion is being carried out in Secunderabad; but they have no detailed information regarding the nature of the action taken. I am, however, making enquiries and will lay a further reply on the table in due course.

PROPOSED DEMOLITION OF CERTAIN HOUSES IN THE SECUNDERABAD CANTONMENT.

†1101. ***Khan Bahadur Haji Wajihuddin:** (a) Are Government aware that section 252 explicitly requires that sufficient and reasonable time be allowed whenever a Cantonment Authority issues a notice to have some work done? Are Government aware that even civil courts allow a period from one month to six months to ordinary tenants for vacating a house and shifting to a new one?

(b) Do Government realise that in the case of notices issued to house-owners in Secunderabad Cantonment, it is not temporary shifting but permanent vacating of a house bag and baggage with a view to demolishing it subsequently, and are Government aware that the house-owners consider this one month's period insufficient?

(c) Are Government aware that in some cases the people have been living in these houses for generations together?

PROPOSED DEMOLITION OF CERTAIN HOUSES IN THE SECUNDERABAD CANTONMENT.

†1102. ***Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that out of the 600 houses sought to be demolished in Secunderabad Cantonment, there are many which are quite well-built and airy? Why are those houses proposed to be demolished? How does their existence effect public health prejudicially?

(b) Are Government aware that there is a special law called the Hyderabad Administered Areas Town Improvement Law, 1981, which governs town-planning schemes and this law is in force in Secunderabad?

(c) Is it a fact that the house-owners concerned have represented that in the face of this special law, a recourse to section 188 of the Cantonments Act is *ultra vires*? Is it a fact that the Hyderabad Administered Areas Town Improvement Law, 1981, is a later enactment than the Cantonments Act?

(d) Is it a fact that the scheme was at first proposed by the Town-Planning Committee of Secunderabad, constituted under the provisions of the Hyderabad Administered Areas Town Improvement Law, 1981? If so, why was the Cantonments Act resorted to?

(e) Have the house-owners represented that the prices offered for the 600 houses proposed to be demolished are very low and are far less than their actual cost and the market value?

(f) Have the house-owners whose houses are to be demolished in the scheme been offered new sites for building new houses? Is it a fact that these sites are being given at high prices and are situated near the graveyard and that the persons concerned are unwilling to take them for these reasons?

(g) What is Government's object in getting 98 feet land cleared on either side of the proposed road? Why do Government wish new houses to be built on both the sides of the road? How would this improve public health?

†For answer to this question, see answer to question No. 1100.

(h) Is it a fact that the people applied to the local authorities for permission to hold a meeting of protest against the scheme and the methods employed to carry it out? Is it a fact that this permission was not granted? Will Government state the reasons for refusing this permission?

(i) Are Government aware that there is a great agitation among the people of Secunderabad on account of this scheme? How do Government propose to allay this agitation? Do Government propose to appoint a Committee consisting of the representatives of the house-owners concerned to consider this proposal in all its aspects?

(j) Is it a fact that the house-owners are willing to improve the houses and make them bright and airy? Have they been consulted to suggest an alternative scheme less injurious to their interests?

(k) Are Government aware of the great calamity it is, from the point of view of the people, for about 10,000 people to be thrown out of their houses? What steps do Government propose to take to avert or mitigate the hardship of this impending calamity?

REMOVAL OF MR. JAGAN NATH PRASAD FROM THE MEMBERSHIP OF THE CANTONMENT BOARD, JUBBULPORE.

1103. *Khan Bahadur Haji Wajihuddin: (a) Is it a fact or is it not a fact that Mr. Jagan Nath Prasad, an elected member of Cantonment Board, Jubbulpore, has been removed from the membership of the Board by the Local Government under the provisions of section 84(2) of the Cantonments Act?

(b) Is it a fact or is it not a fact that the removal has taken place for the alleged participation of Mr. Jagan Nath Prasad in a public procession taken out on 7th February, 1931, to express sorrow at the demise of Pandit Moti Lal Nehru and in the shouting of some alleged objectionable slogans in public streets in the course of the progress of that procession?

(c) Is it a fact that the All-India Cantonments Association represented to Government that the above acts, even if true, were not done by Mr. Jagan Nath Prasad, in his capacity as a member of the Cantonment Board and that even if those allegations were opposed to law, he should have been proceeded against according to the ordinary law of the land but these did not form a ground for proceeding under section 84(2) of the Cantonments Act?

(d) How do Government know that Mr. Jagan Nath Prasad joined the procession and in the shouting of the slogans as a member of the Board?

(e) Are Government aware that the All-India Cantonments Association considers it as a gross abuse of section 84(2) of the Cantonments Act?

(f) Are Government aware that Jubbulpore people unanimously protested against Mr. Jagan Nath Prasad's removal and considered it as a great encroachment upon one's rights of personal freedom?

(g) Was Mr. Jagan Nath Prasad given an opportunity to show cause against his removal, and if so, in what manner? Who wrote to him about showing such a cause? Did he submit any explanation? If so, what was the gist of his explanation? Will Government be pleased to lay the correspondence on the table?

(h) Are Government aware that even an elected member of a Board has private and public life as distinct from his life as a member of the Board?

(i) Are Government aware that great discontent is prevailing among the people of Cantonments throughout India for taking such drastic measures on the part of Cantonment Authorities in a certain part of the country? Do Government realize their duty to allay the discontent?

(j) With a view to preventing its recurrence in future, are Government prepared to consider the advisability of issuing orders for the guidance of the local authorities without delay?

Mr. G. R. F. Tottenham: The facts stated in the first two parts of the question are, I believe, substantially correct. Under section 34(2) of the Cantonments Act, 1924, the question of the removal of a member from a Board is primarily the concern of the Local Government, and the Government of India have no reason to question the decision arrived at by the Central Provinces Government in the case of Mr. Jagan Nath Prasad.

CONSTRUCTION OF THE OFFICE BUILDING OF THE CANTONMENT AUTHORITY OF RAWALPINDI ON THE GROUNDS OF THE LANSDOWNE INSTITUTE.

1104. ***Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that the All-India Cantonments Association in its interview with the Army Secretary in June, 1932, brought to his notice that the Cantonment Authority of Rawalpindi was building its own office on the grounds of the Lansdowne Institute and was using its main building for a cinema?

(b) Are Government aware that the Lansdowne Institute is a charitable public building, erected by the grand-father of Sardar Sohan Singh at his own expense for public use and that there was a public library in the main building for a long time and that the grounds were used by the public for purposes of recreation?

(c) Is it a fact that the founder of the institute put it in charge of the officers of the District as trustees, who in their turn, transferred the trust to the Cantonment Authority, Rawalpindi?

(d) Is it a fact that the Cantonment Authority gave the main building on rent for a cinema, constructed its own office on a large portion of the grounds and also allowed another portion of the grounds to be built over by a cinema proprietor on rent?

(e) Is it a fact that these acts of the Cantonment Authority converted a public place of recreation into a business building and are Government aware that the Rawalpindi people greatly resented the same?

(f) Is it a fact that after a lot of discussion with the All-India Cantonments' Association, the Army Secretary on behalf of Government, undertook as a compromise to direct the Cantonment Authority that the main building be used as before as a public library and not for a cinema and that there should be no further construction on the open grounds that were left?

(g) Are Government aware that quite against the above assurance, the Cantonment Authority again rented the building for a cinema?

(h) Will Government be pleased to state why the assurance was not carried out by the Cantonment Authority of Rawalpindi, and have Government approved of the giving of the building constructed for public good, on rent for a cinema?

Mr. G. R. F. Tottenham: (a), (b) and (c). The answer is in the affirmative.

(d) It is true that about 2 years ago a second building was erected by the Lansdowne Trust (on the Government land adjoining the existing building). This new building is now used as a free public library, while the original building has been leased out as a Cinema, in order to provide the Trust with funds for the upkeep of the Library and the maintenance of both buildings.

The Cantonment Authority as Trustees of the Lansdowne Institute have every right to use the buildings in whatever way appears to them to be in the best interests of the public, to whom the trust is dedicated; and in their position as Trustees they are not subject to the control of the Government of India.

(e) Government have no reason to believe that this is the case.

(f) I gave no such undertaking. All that I promised to do—and did—was to bring the views of the Association to the notice of the local authorities.

(g) and (h). As I have already explained, the discretion lies with the Trustees of the Institute and Government have no legal power to interfere with the exercise of that discretion.

LANDSDOWNE INSTITUTE, RAWALPINDI.

1105. ***Khan Bahadur Haji Wajihuddin:** (a) When did the Lansdowne Institute, Rawalpindi, come under the management and control of the Cantonment Authority, Rawalpindi? Who entrusted the management to that body and under what conditions?

(b) What was the area of open land connected with the institute at the time it was handed over to the Cantonment Authority?

(c) How much of that has since been built over, by whom and under what terms?

(d) What is the amount of the total income that the Cantonment Authority has derived from the institute and its open grounds since it has assumed control of the same?

(e) What is the present financial position of the institute? What is the present monthly income and how is it spent?

(f) How much land was originally given to the founder of the institute and on what terms? Was any lease or other agreement executed by him?

(g) Are Government aware that the building is worth about one lakh of rupees and that a great institution of public good has been practically lost to the Rawalpindi public?

(h) How much land has been taken for the erection of the office of the Cantonment Authority? Who selected this site for the office building? How has this been transferred into C class land, and if so, when and by whom? If not how have the provisions of section 108 of the Cantonments Act been satisfied?

Mr. G. R. F. Tottenham: (a) The Lansdowne Institute Trust was transferred on the 17th August, 1897, to the Cantonment Committee of Rawalpindi, on the sole condition that the Committee should keep the buildings in good repair.

(b) and (c). The trust relates to the buildings only, and not to any adjoining land.

(d) and (e). I have no information.

(f) There is no record of any land having been granted to the Founder of the Institute.

(g) Government have not had occasion to value the building, but they have no reason to believe that it has been lost to the Public of Rawalpindi.

(h) Government sanctioned the transfer of 10,120 square feet of land in Rawalpindi Cantonment to the local Cantonment Authority for the construction of a Cantonment Board Office and garages.

BUILDINGS IN THE AMBALA CANTONMENT.

1106. ***Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that in the Ambala Cantonment, hundreds of buildings have been allowed on sanctions, with warnings with regard to land, included in the site, but not in private occupation according to the survey plan or the G. L. R.?

(b) Is it a fact that the object of the warning is that in case the building would be erected on the portion about which the warning is given, the Government or their Agent, the Cantonment Authority, would take action to get that building demolished and to recover the land thus lost?

(c) Will Government be pleased to state in how many cases, such action has been taken by the Cantonment Authority of Ambala or any other land officer of the Government?

(d) Is it a fact that under a similar sanction, a member of the Cantonment Board, Ambala, has constructed a huge building on Cross Road No. 2, near the Muslim Primary School? Is it a fact that a portion of the site measuring about 1,500 square feet was vacant Government land, not in his occupation and he was warned not to construct over it?

(e) Will Government state what action they propose to take in this and other similar cases to recover the strips of land lost in this manner?

(f) Have Government consulted their legal adviser as to the action of the member in question coming within the purview of section 34 (2) of the Cantonments Act? If not, do Government propose to draw the attention of the Local Government to this?

Mr. G. R. F. Tottenham: I have called for information, and will place a reply on the table in due course.

TAXATION IN THE SUBATHU CANTONMENT.

1107. ***Khan Bahadur Haji Wajihuddin:** (a) Has the attention of Government been drawn to an article published in the "*Cantonment Advocate*" for November, 1982, under the heading "Taxation in Subathu Cantonment"?

(b) Is it a fact that the All-India Cantonments Association in its interview with the Army Secretary in June, 1932, brought to his notice that taxation in some Cantonments was very heavy and the Army Secretary promised to make an enquiry into the matter?

(c) Has that enquiry been made? If so, with what result? If not, at what stage is the enquiry and when is it likely to be completed?

(d) Are Government prepared to direct this enquiry to be made in the case of the Sabathu Cantonment as well?

Mr. G. E. F. Tottenham: (a) I have seen the article.

(b) Yes.

(c) Government have made an enquiry the general result of which is to show that taxation in cantonments is not heavier than in municipalities. There are, however, a limited number of cantonments in which the incidence of taxation is higher than in the neighbouring municipality and these cases are being further examined.

(d) The question of taxation in Sabathu Cantonment is one of those which are under examination.

PRIVATELY-OWNED BUNGALOWS IN THE KOHAT, PESHAWAR AND RAWALPINDI CANTONMENTS.

1108. *Khan Bahadur Haji Wajihuddin: (a) Will Government please state the number of privately-owned bungalows in the Kohat, Peshawar, and Rawalpindi Cantonments?

(b) How many of these are occupied by the owners?

(c) How many bungalows do Government propose to acquire on the plea of resumption of sites in those Cantonments and how many of this number are in occupation of the owners at present?

(d) From where do Government derive their right of resumption?

(e) Are there any documents in possession of Government specifically referring to the sites of these bungalows as to their being old grants under the old Bengal regulations giving Government a right to resume the sites?

(f) What are Government's reasons to presume that these sites cannot but be old grants made under the above rules?

(g) Do the Bengal Regulations apply to sites in the Kohat, Peshawar and Rawalpindi Cantonments? If so, how?

(h) Is it not a fact that in many Cantonments there is a lot of private land, not acquired or purchased by Government for the purposes of the Cantonment but added to it subsequently to bring the environments of the Cantonment under the sanitary control of the Cantonment Authority?

(i) If the answer to part (h) be in the affirmative, how do Government, in the absence of a definite record bearing on the subject, discriminate between sites originally owned by Government and given away as grants and privately-owned sites?

(j) Are Government acquiring these bungalows by resuming their sites?

(k) Is it a fact that all this is being done on the plea of meeting military requirements for additional accommodation for military officers?

(l) How many of the bungalows now sought to be acquired are already occupied by the military officers? How will the situation regarding accommodation be improved by Government becoming the owner after acquisition instead of a private individual in case of those bungalows?

(m) Is it a fact that the House-owners of those Cantonments are willing to build new bungalows on portions of old sites or on new building sites available in the Cantonments and to reserve them for military officers?

(n) What are Government's reasons for rejecting this offer?

(o) Are Government aware that the general impression in the cantonments is that one of the objects of this Government move is to prevent Indians from living in Cantonment bungalows?

(p) Is it a fact that this resumption or acquisition does not apply to bungalows occupied by non-military Europeans and Anglo-Indians?

(q) Are Government aware that the above feeling was expressed by the house-owners of Peshawar in their representations to His Excellency the Governor of the North-West Frontier Province and to General Orton, Deputy Quarter Master General?

(r) Have Government been informed that the action of Government in resuming or acquiring bungalows in this manner has created quite a consternation among the house-owners in the cantonments and that there is a general feeling among them, growing as the land policy of Government is gradually manifesting itself, that the Government's assurance that in conducting the cantonment administration it is equally alive to the interests of house-owners, is not carried out in practice?

(s) Do Government propose to reconsider the action taken and to suspend these resumption and acquisition proceedings till the other means of meeting military needs for additional house accommodation for military officers are tried?

Mr. G. R. F. Tottenham: (a) and (b). I have no precise information; but I informed the house a few days ago that there are about 132 privately owned bungalows in Peshawar.

(c) Government are at present acquiring 20 bungalows in Peshawar of which 5 are occupied by owners, 9 in Kohat of which 2 are occupied by owners, and 7 in Rawalpindi none of which is occupied by the owner.

(d) From the conditions on which the sites are held.

(e) to (i). It would take too long to explain all the evidence on which the title of Government is based; but there is a well known decision of the Privy Council to the effect that all land in cantonments must be presumed to be the property of the State in the absence of evidence to the contrary. It is possible that in some cantonments there is land with regard to which this presumption could be readily rebutted, but the Government title in the cantonments of Peshawar, Kohat and Rawalpindi rests on particularly strong positive evidence and no evidence of private ownership has been produced by the owners of the sites now in question.

(j) and (k). Yes, Sir.

(l) I understand that in Peshawar 8 bungalows are already occupied by military officers, in Kohat 5, and in Rawalpindi 6. The advantage of acquiring these bungalows is that Government will be enabled to keep

them in a proper state of repair, charge a reasonable rent for them and, possibly, utilise some of the spare land in the compounds for the construction of additional bungalows when necessary.

(m) Some of the owners have made such an offer.

(n) Because acceptance would amount to a repetition of the policy which has led to the present difficulties. Moreover similar offers have been repeatedly made and accepted in the past but have produced no practical results.

(o) There is certainly no justification for such an impression, because some of the bungalows are being acquired from Europeans and will be used for the accommodation of Indian military officers.

(p) No.

(q) Yes.

(r) Government are aware of the feelings of the house-owners on the subject.

(s) No, for the reasons given at length in the Press Communiqué which was issued on the subject on March 14th, 1933, and a copy of which will be placed in the Library of the House.

UNSTARRED QUESTIONS AND ANSWERS.

ENHANCEMENT OF WATER TAX IN THE TIMARPUR QUARTERS, DELHI.

170. Mr. Goswami M. R. Puri: Are Government aware of the great discontent among the Delhi Divisional Superintendent's office clerks of the North Western Railway living in Timarpur Government quarters, due to the Notified Area Committee, Delhi, having enhanced the water-tax from Rs. 1/8/0 to 2/8/0 irrespective of pay, type of quarters and their area? Are Government aware that in the Raisina Municipality, where taps are running 24 hours, the charge is only Re. 1 per tap? Has any representation been received by the Commissioner? If so, with what result?

Mr. G. S. Bajpai: Enquiries have been made and the result will be communicated to the House in due course.

TENURE OF OFFICE OF THE DIVISIONAL PERSONNEL OFFICERS ON THE NORTH WESTERN RAILWAY.

171. Mr. Goswami M. R. Puri: Is there any rule or system that the Divisional Personnel officers over the North Western Railway are not allowed to work more than three years in any one Division? If so, does it not apply in the case of the Divisional Personnel Officer, Delhi? If not, why not?

Mr. P. R. Rau: Government is not aware of any rule which prevents a Divisional Personnel Officer on the North Western Railway from being employed for more than three years on any one Division. The latter part of the question does not arise.

WANT OF A HINDU COOK IN THE NORTH WESTERN RAILWAY GUARDS RUNNING ROOM AT NEW DELHI.

172. **Mr. Goswami M. R. Puri:** Why is no Hindu cook provided in North Western Railway guards running room at New Delhi? Are Government aware of the serious troubles the Hindu guards are suffering for want of a Hindu cook?

Mr. P. R. Rau: Government have no information but I have sent a copy of the Honourable Member's question to the Agent, North Western Railway, for information and any action that he may consider necessary.

TIME TAKEN BY THE DELHI UNIVERSITY IN EXAMINING MATRICULATION CANDIDATES.

173. **Mr. Goswami M. R. Puri:** Are Government aware of the lengthy time the Delhi University takes in examining the Matriculation students? Are Government prepared to curtail this time by giving two papers a day?

Mr. G. S. Bajpai: Presumably the Honourable Member's question refers to the High School Examination conducted by the Board of Secondary Education, Delhi. Two papers of three hours duration each are given every day in this examination.

MEDICAL EXAMINATION OF THE SUBORDINATE STAFF OF THE NORTH WESTERN RAILWAY.

174. **Mr. Goswami M. R. Puri:** (a) Is it a fact that 99 per cent. of the subordinate staff failed by the District Medical Officer, North Western Railway, Delhi, pass when examined by the Chief Medical Officer, Lahore? Will Government be pleased to state the reason for it? Which of these two authorities Government thinks wrong?

(b) Are Government aware that the period of a month or over between these two examinations is not passed by the North Western Railway as with pay but deducted out of leave due to such a staff? If so, why?

Mr. P. R. Rau: Government have no information but I have sent a copy of the Honourable Member's question to the Agent, North Western Railway for information and such action as he may consider necessary.

ISSUE OF PASSES TO THE STATE RAILWAYS STAFF.

175. **Mr. Goswami M. R. Puri:** Is it a fact that the railway officers get through passes over all State Railways, and that there is a restriction in the case of subordinates only and especially for the third class passes? If so, why? Are Government prepared to amend the new pass rules to enable the subordinate staff to get through passes over all State Railways freely?

Mr. P. R. Rau: Subordinates are eligible for passes over foreign railways in accordance with rules framed by the Indian Railway Conference Association. Government do not consider that there is any necessity for giving greater privileges than the present rules allow.

**COMPILATION OF A BOOK CONTAINING INFORMATION ON PERSONAL MATTERS
FOR USE OF STAFF ON STATE RAILWAYS.**

176. Mr. Goswami M. R. Puri: Are Government aware that there is no rule book on any State railway regulating the punishment of the staff? Do Government propose to compile a book containing information on all personal matters and distribute the same freely to the staff? If not, why not?

Mr. P. R. Rau: Government consider that it is impracticable to lay down any definite rules on the subject of punishments to be awarded in any case. The disciplinary action to be taken in each case will depend on the circumstances of the case. There is no reason to believe that the staff suffer any hardship on account of the fact that there is not such a compilation.

ISSUE OF LOCAL PASSES TO SUBORDINATE STAFF ON STATE RAILWAYS.

177. Mr. Goswami M. R. Puri: (a) With reference to the reply to my question No. 1651 (Volume VII, No. 9, dated the 12th December, 1932, of the Legislative Assembly debate book), in which it was stated that all State Railways are owned by one Government and are simply divided into different systems for management convenience, are Government prepared to place the pass rule on a common footing alike to all railway officials and officers?

(b) Do Government propose to amend the new pass rules so that the issue of passes over State Railways be treated as local passes and the limit of P. T. orders be removed?

Mr. P. R. Rau: I would refer the Honourable Member to the reply given to his question No. 175.

INTER-TRANSFER OF STAFF ON STATE RAILWAYS.

178. Mr. Goswami M. R. Puri: With reference to the reply to my question No. 1650, dated the 12th December, 1932, if Government are not prepared to invite applications for inter-railway transfers, are Government prepared to issue instructions to Railway officers concerned to consider such applications and exchanges favourably?

Mr. P. R. Rau: Government do not consider any such instructions are called for.

ROSTERS REGARDING REST ON THE NORTH WESTERN RAILWAY.

179. Mr. Goswami M. R. Puri: (a) Are Government aware that the rosters regarding rest on the North Western Railway are not in conformity with the amended Railway Act?

(b) Will Government be pleased to state where in the amended Railway Act it is permitted to take double and under rest duties for giving weekly rest?

(c) Is it not a fact that the East Indian Railway have extra staff for this purpose while the North Western Railway take double and under rest duties first and then give rest?

(d) Do Government propose either to give proper rest without double duty or totally stop it?

Mr. P. B. Sen: (a) No.

(b) It is not clear what the Honourable Member means by "double and under rest duties". There is no provision in the Indian Railways (Amendment) Act, 1930, for such duties.

(c) No. On both the East Indian and North Western Railways, additional staff required to give statutory effect to the Hours of Employment Regulations have been sanctioned.

(d) Rest periods, as provided in the Indian Railways (Amendment) Act, 1930, are enjoyed by the staff of the North Western Railway.

MOTION FOR ADJOURNMENT.

WHOLESALE ARRESTS IN CONNECTION WITH THE CONGRESS SESSION IN CALCUTTA.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): I have received a notice from Mr. Lalchand Navalrai that he proposes to ask for leave to make a motion for the adjournment of the business of the House today, for the purpose of discussing a definite matter of urgent public importance, as follows:

"Wholesale arrests of the persons who were going or are going or intend to go to attend the National Congress at Calcutta in spite of the fact that the Indian National Congress is not an unlawful body."

I have to enquire whether any Honourable Member has any objection to this motion. (After a pause.) As no objection has been taken, I declare that leave is granted and that this motion will be taken up for discussion at 4 P.M. this afternoon, or soon after the termination of the business of the day, if it terminates earlier than 4 P.M.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State has, at its meeting held on the 31st March, 1933, agreed without any amendment to the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to fix rates of income-tax and super-tax, and further to amend the Indian Paper Currency Act, 1923, which was passed by the Legislative Assembly at its meeting held on the 28th March, 1933."

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

AMENDMENT OF SECTION 4.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Sir George Schuster.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): On a point of order, Sir.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Does the Honourable Member know what the Honourable the Finance Member is proposing? Let us hear what he has got to say.

Mr. S. C. Mitra: He is bringing in Government business and we can transact only non-official business on a non-official day.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): But the Honourable Member does not know what it is. Sir George Schuster.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose (amendment of section 4).

Mr. S. C. Mitra: Sir, this day being a non-official day, it is on principle, not that a little time or much time may be spent for this, that I object to any official business being transacted today. In the Manual of Business and Procedure, paragraph 22 deals with the official business as follows:

"On days allotted for the transaction of Government business, the Secretary shall arrange that business in such order as the Governor General in Council may direct."

But, as regards non-official business, which is dealt with in paragraph 21, it is said that on both official and non-official days, that particular class of business only *shall be transacted*. The word is "shall". It is peremptory, it is not even discretionary, and

"On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council".

As regards official days, it is very strict, that is, that without the consent of the Governor General in Council no non-official business on these days can be done. I claim, and I hope, Sir, you will maintain the privileges of non-officials, that on non-official days,—no question about the time necessary—but, as a question of principle, you will not allow any official business to be transacted. I think, the section is very clear, because it is said "business for that class *shall* have precedence". In any case, before the non-official business is finished, there is no case for Government to bring in any Government business of any kind and, on these grounds, I appeal to you, Sir, on a point of order, that you will not permit the transaction of any official business.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I join with my Honourable friend, Mr. S. C. Mitra, in supporting his point of order, and I do so for the following reasons. You will observe that the presentation of the Report of a Select Committee is not such a formal business as at first blush it might be supposed. I draw your attention to page 81 of the Manual of Business and Procedure. Standing Order 42 says:

"The Report of the Select Committee on a Bill shall be presented to the Assembly by the member in charge of the Bill.

In presenting a report, the Member in charge shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate at this stage."

Consequently, the presentation of the Report is not merely a formal thing. It may be accompanied by a speech, and, as a matter of fact, the speech may be of three words, three hundred words or three thousand

[Sir Hari Singh Gour.]

words. Then, if you turn to our Standing Order 41, paragraph 80 of the Manual, you will find the following statement:

"(1) After publication in the Gazette, of a Bill, as required by the Rules, the Select Committee, to which the Bill has been referred, shall make a report thereon."

Now, the important words to which I wish to draw your attention are:

"(2) Such report shall be made not sooner than three months from the date of the first publication of the Bill in the Gazette, unless the Assembly orders the report to be made sooner."

Now, on the date on which the report is presented to the House, it is open to any Member to object that it is not competent to present the report, because Standing Order 41 has not been complied with

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muham-madan Urban): On a point of order, Sir. We are not now on the merits whether the Honourable the Finance Member should present his report, that is a distinct question. The narrow issue that has been raised by my Honourable friend, Mr. S. C. Mitra, is whether at this stage and on this day, the Honourable the Finance Member can present the report after the non-official business is over? There is still time for the Honourable the Finance Member to present the report when it will be in order to raise that issue.

Sir Hari Singh Gour: I am supporting Mr. Mitra on different grounds. If only the Honourable gentleman will indulge me for a few minutes, he will see how the objection is justified on other grounds.

Now, what I was going to point out to you, Sir, in this: the presentation of a report is not merely a formal act, and the report is incompetent unless it complies with Standing Order 41(2). In order to give Honourable Members a chance of seeing whether the report is in order or not, this item of business must be entered in the List of Business for the day. It is not on the agenda. The rules say:

"A list of business for the day shall be prepared by the Secretary and a copy thereof shall be made available for the use of every Member.

Save as otherwise provided in the Rules and Standing Orders, no business, not included in the List of Business for the day, shall be transacted at any meeting without the leave of the President."

These are peremptory clauses. Here is the List of Business which was given to us and we have come here today to transact what is entered in it. If the Honourable Member wanted to present the Report of the Select Committee today, it should have been entered in the List of Business and it would have given us a chance to see whether there has been compliance with Standing Order 41(2) which we have no means of doing today. Objection can be raised to the presentation of the report on that ground, that previous notice was necessary, a notice which can only be given to the Honourable Members by entering it in the List of Business today. I, therefore, submit that no business, not entered in the List of Business today, can be transacted today.

Thirdly, there is another point to which I wish to draw attention. The Governor General in Council allots the days for the transaction of official and non-official business; and, on a date allotted for non-official business,

non-official business must be transacted in the first instance. That is a point which my friend, Mr. Mitra, has raised. In addition I am raising these other points which present insuperable objection to the presentation of this Report.

The Honourable Sir George Schuster: Sir, I do not wish to speak at all on the technical side of this question; but I do wish to point out to the House the fact that today has been set aside for non-official business as the result of an arrangement made by the courtesy of the Government for the convenience of Honourable Members; and if we had had any sort of indication that a point of order of this kind would have been raised, when requesting you, Sir, to make the arrangement, we would certainly have guarded ourselves against the possibility of this particular objection. I would point out to Honourable Members opposite that, having regard to the fact that the Government have gone out of their way to meet their convenience in order to enable a continuous debate for three days to be carried out on the White Paper, and suggested that the Order Paper for the week should, for this purpose, be altered. It does seem rather unreasonable that a technical point of this kind should be raised. I leave it to you, Sir, to attach what importance you desire to that consideration, and I do not wish to argue the technical point.

Mr. Gaya Prasad Singh (*Muzaffarpur cum Champaran*: Non-Muhammadan): You do not give us any facilities for non-official work: why should we not do the same?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The main contention, as the Chair understands it, in the point of order raised by the two Honourable Members is that the presentation of the Report of a Select Committee on an official Bill, being in the nature of official business, cannot be done on a day set apart for non-official business; and the Honourable Members mainly rely on rule 6 in support of their contention. With regard to the objection raised by Sir Hari Singh Gour that this particular business does not find a place in the Order Paper, that does not present any insurmountable difficulty, because in that very Standing Order the Chair has got discretion to allow that class of business to be transacted even though it may not find a place in the Order Paper. In interpreting rule 6, the Honourable Member, Mr. S. C. Mitra, drew the attention of the Chair to the need for safeguarding the interests of non-official Members on non-official days. The Chair has already given the assurance that it will very jealously guard the rights and privileges of every section of the House; and, especially the non-official section of the House under the present constitution would require greater vigilance on the part of the Chair. In interpreting the Standing Orders, unless an injunction is expressed in explicit and mandatory terms, the Chair must so interpret the Standing Orders as to facilitate the progress of business and not to obstruct the course of business in this House. It is no doubt laid down that on a day set apart for non-official business, no business of any other class shall be transacted. If the Chair were ever to be asked permission for the transaction of a business which will encroach upon non-official business, the Chair would certainly not agree to such a procedure. But, as the Chair has observed, the Standing Orders have to be interpreted with a view to facilitating business and not obstructing business; and constructing rule 6 in that spirit, the Chair thinks that

[Mr. President.]

the rights and privileges of non-official Members are not encroached upon by a formal presentation of the Report of a Select Committee on an official Bill. In fact, the Chair would point out to non-official Members that if a strict interpretation of rule 6, in the light of what the Honourable Member, Mr. S. C. Mitra, has said, is to be observed by the Chair, it will probably be the non-official section that will suffer more than the official section, because, if the rule is to be interpreted in that strict and technical light, then the Select Committee Report on a non-official Bill cannot be presented on any other day except a day set apart for non-official business. That would mean, especially in the light of the fact that very few days are available for the disposal of non-official Bills, that it will involve a very serious hardship on non-official Members.

Sir Hari Singh Gour: We are not concerned with that.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Honourable Member may not be concerned himself, but the Chair is bound to take into consideration the convenience of both official and non-official sections of the House. Apart from this interpretation which the Chair thinks ought to be put upon rule 6, there is ample precedent for the presentation of Select Committee Reports on non-official days, and the Chair for these reasons does not think it necessary either to depart from the well-established practice or to impose the narrower construction on the interpretation of Rules and Standing Orders. The Honourable Member would, therefore, be entitled to present the Report.

Sir Hari Singh Gour: There remains another point which I raise, and it is this

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Is it on the same point?

Sir Hari Singh Gour: No; another point. The point I raise is this: before the Honourable Member is entitled to present his Report of the Select Committee, he must be competent to do so and the competency is determined by the fact that the Bill must have been published in the official Gazette not less than three months before the date of presentation of the Report; and, unless that condition is satisfied, the Report cannot be received at all.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Will the Honourable Member refer the Chair to the Standing Order that he is thinking of?

Sir Hari Singh Gour: Standing Order 41(2) says:

"Such report shall be made not sooner than three months from the date of the first publication of the Bill in the Gazette, unless the Assembly orders the report to be made sooner. . . ."

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Will the Honourable Member kindly read the next paragraph also?

Sir Hari Singh Gour: Yes, Sir:

"Provided that the time limit referred to in this sub-rule shall not apply in the case of Bills imposing taxation."

This is not a Bill imposing taxation. This is a Bill to amend the Income-tax Law, and being, therefore, a fiscal statute, no report can be made sooner than three months from the date of the first publication. As the item does not find a place in the List of Business, the President must exercise his discretion in favour of the Member who wishes to maintain that the presentation of the Report of the Select Committee is in order.

The Honourable Sir George Schuster: May I point out to the Honourable Member that the Report of the Select Committee which he himself has signed contains this paragraph:

"The Bill was published in the Gazette of India dated the 10th September, 1932."

Sir Hari Singh Gour: Sir, the Honourable Member is perhaps aware that this Select Committee sat till half past six the day before yesterday, and the Members of the Select Committee drew up their Report only this morning. The Members of the Select Committee asked the Honourable Sir George Schuster to give them time, so that they may be able to write a considered minute of dissent, but, as time was not given, they had to hurry on, and the Finance Member knows only too well how little time they had to read the Report and to draw up their minute of dissent.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Does the Honourable Member want a ruling from the Chair that the period of three months has elapsed from September, 1932, to April, 1933?

Sir Hari Singh Gour: No, Sir. I do not want any ruling of that kind. What I do want is that the Standing Order must be enforced which lays down that no business

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member is a very old Member of this House, and he knows perfectly well that it is extremely wrong on the part of any Honourable Member to question a ruling that has already been given.

Sir Hari Singh Gour: I never intended that the Chair had waived that Standing Order. I understood the Chair merely to interpret the rule that the Standing Order must be interpreted as a subject of real convenience. I never meant that the Chair had waived, in the exercise of its discretion, the requirement of that Standing Order

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Chair has already given a ruling on this point, and, if there are no objections on the point, I would ask the Honourable the Finance Member to present the Report.

The Honourable Member must now present the Report.

[The Report of the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose (Amendment of section 4) was then presented.]

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Before the House proceeds to the business, the Chair wishes to take this opportunity of correcting an observation that it made on the 24th March, 1933. In answer to a question by Diwan Bahadur A. Ramaswami

[Mr. President.]

Mudaliar that, in the case of Bills, it may be that the Member who introduces the Bill may not proceed with it, the Chair said that if an Honourable Member, who introduced a motion, was not able to proceed with the subsequent stages, he had got the remedy in his own hands, to authorise some other Member to move the Resolution. On examining the rules and Standing Orders, the Chair now finds that under Rule 20A in the case of Bills no other Member except the Member in charge of the Bill can make further motions, and, in the light of that peremptory rule 20A, the observation that the Chair made on the 24th March, 1938, is not accurate and the Chair, therefore, wishes to correct it.

Mr. S. C. Mitra: May I take it, Sir, that, under the revised ruling we are entitled to introduce the other Bills which were ruled, at the time, as barred?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): It does not alter the ruling of the Chair on that point.

RESOLUTION *RE* RELEASE OF MR. GANDHI, MUFTI KEFAETULLAH AND OTHER POLITICAL PRISONERS.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The House will now resume consideration of the following Resolution moved by Mr. Maswood Ahmad on the 15th February, 1938:

"That this Assembly recommends to the Governor General in Council to release Mr. Gandhi, Mufti Kefaetullah and other political prisoners."

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I rise to support this Resolution. I support it, not because I am an admirer of the methods which Mahatma Gandhi pursues in the attainment of his political objectives. I do not support the release of Mufti Kefaetullah, because I very much welcome the intrusion of the Mufti Saheb and his school of theologians into the field of ^{our} politics. I support the Resolution on entirely different grounds. I consider, Sir, that it is necessary that, for the success of the constitutional reforms, the hand of repression must now be stayed and that the hand of conciliation extended to those whose co-operation is essential for restoring peaceful conditions in the country. What are the facts of the political situation today? The most patent and glaring fact is that the civil disobedience movement has failed, and that its active manifestations have been restrained.

Now, Sir, I want to draw the attention of the House to one great historical fact. All the world over in the world's history the inevitable reaction of the failure of direct action in political struggle has been the growth of a tendency to resort to parliamentary methods, and that tendency is discernible in Congress politics today. Now, the question is, are the Government going to encourage and promote the growth of that tendency or is it going to hamper or retard it? That, I understand, is the true implication of the Resolution before us today.

I know that the obvious retort from Government will be that Lord Irwin tried the policy of conciliation and that it did not lead to desired results. I shall not suppress facts. I shall put them as straightforwardly as possible without bias or prejudice. I frankly admit that, after the

Gandhi-Irwin Pact, a section of the Congressmen acclaimed it as a great Congress victory. They were disdainful of the Government. They were also contemptuous of the Muslims who kept away from the civil disobedience movement, but that does not mean that Lord Irwin's policy had failed. That is only one side of the picture. I maintain that Lord Irwin's policy succeeded in the attainment of his objects. The civil disobedience was called off and the co-operation of the Congress was secured for the constitutional progress of the country. Lord Irwin returned to England, on the crest of a wave of popular enthusiasm and popular goodwill. I maintain that the presence of Congress delegates at the St. James Palace and the diversion of Congress politics into constitutional channels is the greatest vindication of the policy of Lord Irwin.

Let us for a moment turn our attention from the St. James Palace to India. While constructive statesmanship was busy in London, militancy was in the ascendancy in India. A section of the Congressmen and a section of the Bureaucracy were spilling for a fight—the Congressmen, because they were encouraged by the success of the first civil disobedience movement, and the bureaucracy, because they were chafing under restraint imposed by Lord Irwin's policy and were anxious to teach the Congressmen a salutary lesson of respect for law and order. At this juncture, Mahatma Gandhi returned to India. He returned with all pacific intentions, but he found himself in a difficult position with the militant Congressmen on the one side and the militant Government on the other. In his perplexity, he sought an interview with the Viceroy. That interview did not take place, and, whether it should have taken place or not is a question which I am not going to discuss. I can leave it to the verdict of history. I am not at all sure that the verdict of history will be in favour of the Government of India. At that moment, the Congress was dominated by young men in a hurry and the Government also were on the war path. So a clash was inevitable, and in that clash the Government were at an advantage. While in the intervening period the Congressmen only bragged and blustered, the Government were perfecting their organisation for dealing with the civil disobedience movement. Honourable Members might remember that, when Germany violated the neutrality of Belgium, the German Chancellor defended it on the exigencies of the war. The German Chancellor, Von Bethman Hollwegg, declared: "Rapiditv of action is the greatest German asset". The Government of India acted on a similar principle. Before the Congressmen knew where they were, the Government pounced upon the leading Congressmen and clapped them in jail. They forged Ordinances which swept thousands of Congressmen inside the prison. It is the release of these Congressmen, who went into the jail under a compelling sense of duty and discipline and without much apparent enthusiasm, that this Resolution wants to bring about.

Today the tussle between the Government and the Congress—the active tussle is practically over, and the Government have emerged victorious in this fight. Now, they are dictating terms, and the terms that the Government are dictating are an absolute surrender by the Congress and a guarantee of good conduct for the future. These are terms which no honourable gentleman can ever accept. If a recantation of faith is made a condition precedent of the Congress co-operation, then, I am afraid, the Government will have to wait till Doomsday for that recantation. They do not seem to know the type of men they are dealing with. About

[Mr. Abdul Matin Chaudhury.]

50,000 Congressmen were in jail. Can you point out one prominent Congress leader who has abjured his faith to secure his release? No one has done and no one is going to do it. (*An Honourable Member*: "Jamnadas.") Now, what is the alternative? How to harness the Congress to the constitutional chariot? (*An Honourable Member*: "Louder please.") His Excellency the Viceroy, in his inaugural address in this House, was almost prophetic when he said that the Congressmen would be caught in the "living forces of constructive politics". I am perfectly sure that the Congressmen will be caught in the "living forces of constructive politics", provided only they are given a chance, provided that they are not intentionally debarred. Now, here is the Joint Parliamentary Committee looming large in the field of constructive politics. Will they give Mahatma Gandhi the chance to do his bit of constructive work in the Joint Parliamentary Committee? If they are to do it, obviously they will have to release him, and that is our main contention today.

Let us not rake up the old controversy about the war guilt of the Congress and the bureaucracy. Let us take facts as they are, and the facts are, as I have said, that the war fever has subsided in the Congress camp, but most unfortunately the war mentality still persists in the Government of India. Just as the success of the first civil disobedience movement had turned the head of the Congressmen, so the temporary success of the repressive measures has also unbalanced the mind and judgment of the Government. (Hear, hear.) The Government today are arrogant and irresponsive to public opinion. My Honourable friend, Mr. Anklesaria, some days back interjected in this House: "The country is sick of Mahatma Gandhi." The Honourable the Home Member corrected him by saying: "a section of the country is sick of Mahatma Gandhi". That was only a half-truth. The whole truth is, just as a section of the country is sick of Mahatma Gandhi and civil disobedience movement, another section, a very large section, is equally sick of Sir Harry Haig and his Ordinances. There is a Bengali proverb:

"Rajai Rajai judha hoi,

Ulu kharer pran jai."

Which means that when the Kings fight, the shrubs and bushes are trampled upon. Here is a trial of strength going on between the mighty Mahatma on the one side and the almighty Sir Harry Haig on the other, and, in this struggle, we, the common citizens, are deprived of our cherished rights and liberties. It is time that the Government reconsidered their policy in the light of the present circumstances.

Before I finish my speech, I want to give a little bit of an advice to Sir Harry Haig. Sir Harry Haig has proved himself a very able administrator. He has checked the growth of the civil disobedience movement. He has also proved himself a successful parliamentarian. Barring occasional lapses, his method and manner of dealing with the Assembly has won universal praise. But he has yet to succeed as a statesman. And to succeed as a statesman he must look not only to the immediate present, but must have a vision of the distant future also. If he believes that he can serve the interests of India and of England best by keeping Mahatma Gandhi in oblivion for ever, he will be committing a Himalayan blunder.

If, Sir, he is not to leave to his successor a legacy of India prey to communalism and terrorism, he must make every effort to secure the co-operation of the Mahatma for the working of the next reforms, because, Sir, a policy of repression, it is a truism, succeeds only for a time and does not pay in the long run. (Loud Applause.)

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, so far as the release of Mr. Gandhi is concerned, I have nothing to say, if Government, which confined him, consider it proper to release him. We have not got any say in the matter. We did not ask for his confinement nor does he ask for his release. It is, therefore, for the Government which, judging from the political situation in the country, said that it was better to put him in jail, to say now that, on a due consideration of all the circumstances pertaining to the position, they consider that he should be released. I think it is a matter between them and Mr. Gandhi and no amount of argument on our side can evidently influence the Government either way; that at any rate is the view that I take of the request contained in the Resolution. But when that Resolution is supported by arguments which, in my humble opinion, cannot stand the test either of reason or of authority, one has got to enter a protest. I understand, that the release is asked for, because Mr. Gandhi is the only man who could deliver the goods regarding the future Constitution and that so long as he is locked up inside the jail, the scheme which the Government might put forward has very little chance of success. I am glad that my friend, Mr. Abdul Matin, did not enter into the question as to whether the imprisonment was justified or not, and I think that was a very wise position to take. So far as the country's support is concerned, let us take Madras. I do not know if my Honourable friend's attention or the attention of this House has been drawn to the fact that men who had been in prison on account of their following the civil disobedience movement have, after coming out of the prison, assembled in meeting in Madras and other places and resolved that this sort of going to jail in pursuance of a chimerical movement was futile, that valuable time was lost and that the opportunities which were being offered to them were all thrown away upon this barren field of civil disobedience and going into jail for that. A most flagrant instance of it is a letter written by Mr. Jamnadas Dwarkadas who was a very staunch admirer and follower of Mr. Gandhi. There is no greater proof of his staunchness than the fact that he chose to go into jail and Mr. Jamnadas Dwarkadas is a very respectable man. After having remained in jail for some time, he apologised to the Government and, what is worse, he has written a long letter to Mr. Gandhi which has been published in the *Times of India*, and I want my friends to read that letter carefully. Mr. Jamnadas Dwarkadas is not a man who is bidding for notoriety. He does not want any favour from anybody, and what does he say? Mr. Gandhi is surrounded by self-seekers, by men who want to feather their own nest and by men who have absolutely no compunction to have recourse to unscrupulous activities if only it would do them any benefit. Mr. Gandhi himself, he says, is absolutely unobjectionable in character and unaware of the actual fact, but he cannot get over the influence of these people and that, therefore, to have anything to do with the movement started by him would be dangerous and that is the reason in short upon which he justified his action in coming out of jail after apologising to the Government. Now, Sir, if you go further north to Mr. Gandhi's own province of Gujerat, you

[Raja Bahadur G. Krishnamachariar.]

find, at least that is the information that I have got, that his influence has been completely waning on that side also and then according to Mr. Jamnadas there is this latest stunt of his, about untouchability and the temple entry. In South Africa, he did espouse the cause of untouchables, but this temple entry and anti-untouchability campaign are his last attempts to regain that popularity which unfortunately is going out of his hands. (Laughter.) He laughs best who laughs last. This is his last attempt to gather power into his hands, that is what Mr. Jamnadas says. To those of my friends here who laugh, I throw down a challenge that I gave to Mr. Gandhi himself when he was in Delhi. If really he has got this influence over the country, let him go out of the Congress. He did not build up the Congress. He was not here when the Congress was started. It is men like myself who worked for the Congress in our humble way and following the lead of those great men until it was got hold of by men who follow Mr. Gandhi. Let him start a fresh organisation. Let that organisation come into existence with all the influence, and all the greatness that is now claimed for the Congress as led by Mr. Gandhi and then, Sir, though I do not generally wear a hat, but I shall take my hat off for him, as they say. I will not bow to him, because he is not a Brahmin, but I am quite prepared to make any obeisance to him as allowed by the law and then I shall respect him. Then, I shall not say that he has usurped the position that has been slowly and carefully and in spite of opprobrium built up by stalwarts like Dadabhai Naoroji, Sir Phirozeshah Mehta, W. C. Bannerjee and Mr. Chandavarkar and other people, but to say that that is your institution and to say that it gives you power is not consistent with that scrupulous regard for truth on which Mr. Gandhi prides himself and which, so far as he is concerned, I have absolutely no doubt he is trying to follow to the best of his ability. I, therefore, submit that if the release is to be made upon these grounds, the Government of India will be seriously mistaken if they believe them, but if they want to release him for any reason, I have no objection.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, when I look at the Resolution, I do not know what the Honourable Member means by "other political prisoners". I do not know with what motive the two names have been mentioned, and other names have been avoided.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I explained that. You were not in your seat then.

Mr. Muhammad Yamin Khan: I was in my seat and I was listening to the Honourable Member all the time. I know that the Honourable Member wanted to exploit by including the name of Mufti Kifayatullah. I know the reason why the previous Resolution, which stood on the Order Paper of the day before this Resolution, had been withdrawn in order to give preference to this Resolution. My Honourable friend seems to think that nobody can understand these tactics in this House.

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): The Honourable gentleman referred to a previous Resolution and why it was withdrawn. The previous Resolution stood in my

name and as it was represented to me by the bulk of non-official Members that Mr. Maswood Ahmad's Resolution was more comprehensive, I withdrew it and not for the reasons or the insinuations contained in the Honourable Member's statement.

Mr. Muhammad Yamin Khan: I did not impute any motive to my Honourable friend, Mr. Ranga Iyer. I knew a request was made to him by the Secretary of the Independent Party to withdraw his Resolution in preference to Mr. Maswood Ahmad's Resolution.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): There was no particular intention in Mr. Ranga Iyer withdrawing his Resolution.

Mr. C. S. Ranga Iyer: In view of Mr. Yamin Khan's statement, I beg to withdraw the word "insinuation" from my previous remarks.

Mr. Muhammad Yamin Khan: Thank you. Now, Sir, it is characteristic of my Honourable friend, Mr. Maswood Ahmad, to bring in some kind of thing on which he wants to exploit.

Mr. M. Maswood Ahmad: I seriously object to this remark of my Honourable friend that I am trying to exploit the Members by bringing in this Resolution. Is this parliamentary language?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Chair understands that the Honourable Member wants to know whether it is parliamentary to say that one member is exploiting a situation. Is that the point on which he wants a ruling?

Mr. M. Maswood Ahmad: I want your ruling, Sir, on the admissibility of the words which were used by the Honourable Member,—whether those words are parliamentary.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Honourable Member wants a ruling as to whether it is parliamentary to say that a Member of the House exploits a certain situation. There is nothing unparliamentary in that.

Mr. Muhammad Yamin Khan: Sir, I do not think that Mufti Kifaetullah's case stands along with that of other political prisoners; I think his case stands absolutely apart from the other cases mentioned in this Resolution. We have to see whether Mufti Kifaetullah was actuated by any political considerations. His imprisonment has no reference in any way to any political activities, but his case stands aloof and apart from the case of the others. I think my Honourable friend, Mr. Maswood Ahmad, if he had been sincere and such an admirer of Mr. Gandhi, should have at least shown some respect when he used his name. Generally he is called in the country "Mahatma Gandhi", but Mr. Maswood Ahmad has used the words "Mr. Gandhi". That may be correct or may not be correct, but people who respect Mr. Gandhi generally call him "Mahatma Gandhi".

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): A Mussalman should not use the word "Mahatma". That is un-Islamic.

Mr. Muhammad Yamin Khan: My friend, Mr. Maswood Ahmad, does not seem to be serious when he advocates the cause on behalf of Mahatma Gandhi, but he has, as a matter of fact, a motive which he does not disclose. It may, I think, be that the Honourable Member, desiring to gain some kind of popularity, thought that this Resolution should be brought forward, but . . .

Mr. Uppi Sahab Bahadur (West Coast and Nilgiris: Muhammadan): We want your protection, Sir. The Honourable Member is questioning the motive of another Honourable Member, and we want your protection and we want to ask if our actions in this House are to be questioned by making the allegation that we want to exploit some situation outside, and that we want to gain popularity. We want your protection against the imputing of motives.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Motives may be either worthy motives or unworthy motives. If an Honourable Member imputes an unworthy motive, the Chair will intervene, but I have not heard the Honourable Member make any such remark.

Mr. Uppi Sahab Bahadur: The Honourable Member said that another Honourable Member was not sincere in moving this Resolution. Thus the motive imputed is a bad motive,—that is, to gain some cheap popularity.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): You can also say that he wants to gain popularity among the Government Benches.

Mr. Muhammad Yamin Khan: My friend is justified in holding his own views, and I am justified in holding my own views. My opinion is that this Resolution is not warranted by the exigencies of the time. We know what was the condition of the country when Mahatma Gandhi was imprisoned. I think, Sir, that although my friend, Mr. Abdul Matin Chaudhury, might say that the Honourable Sir Harry Haig is wanting in statesmanship, I think no better statesmanship could ever be shown than by restoring the country to quiet and peace by imprisoning Mahatma Gandhi. (Hear, hear.) Sir, a statesman is required to protect the rights of the people whose rights cannot be protected otherwise. What was the state of the country? We had forced hartals; people were forced to observe hartals every day, and there was a boycott of certain goods, and people were being forced to act, not according to their own conscience, but because a certain class of people thought that they must do it. So there was virtual terrorism in other respects on the part of certain classes of people in the country, and it became quite intolerable to the poor citizens who did not observe those hartals. And what did those hartals lead to? We find they were the direct result of bitter communal fights all over the country. Most of the cities had to suffer on account of those hartals, and they resulted in acute and bitter communal riots leading to much loss of life and property. And it was this communal bitterness which was thus engendered in the country that was the direct

result and legacy of the civil disobedience movement. (Voices: "Question, question.") A certain arbitrary policy was being advocated and promoted by Mahatma Gandhi in the country and, as long as that policy was being advocated by him, dividing as it did one community from another, leading as it did to friction between the two communities, Mahatma Gandhi, however popular he might be, was, I think, doing the greatest disservice to the country. What we expected of a Mahatma was to bring about peace and quietness and restoring calm in the country, teaching people not to be inflicting loss and hardship on the poor citizens, but, instead of this, what was the course of action he was advocating? He was advocating that the people should be forced to follow his policy and pursue whatever course of action he dictated to them. If the Government are blamed by some of my over-zealous friends that they were resorting to force and lathis on the other hand, I say that a worse force was being used by the so-called followers of Mahatma Gandhi by calling on the people not to pursue their own daily avocations; and I think no better, no finer statesmanship could ever be shown than by imprisoning a man who disturbed peace and equilibrium in the country. I say, this is not the proper time when Mahatma Gandhi should be let out, because this is the time when we find that on the slightest excuse the people are willing to come to blows; and if Mahatma Gandhi is freed today, when the Constitution is in the melting pot, then we will find, Sir, that communal riots will spring up, so that for all these reasons I think this is a most inadvisable Resolution. I think that the case of Mahatma Gandhi also stands separate from the other political prisoners. Now, there are political prisoners who call themselves his followers, but in the true spirit they are not so; they have exceeded their functions far more than what Mahatma Gandhi preached; they have even violated the tenets of Mahatma Gandhi. While Mahatma Gandhi preached non-violence, that is in the use of physical force, nevertheless a word can prove to be very violent; a word can be used so as to produce commotion and disturb peace, such a word can prove far more violent than the use of physical force, and the people, who have shown violence by forcing people to observe hartals and such like, by making people, who were living from hand to mouth to let their wives and children go without any food for days and days, then, I say such so-called non-violence is no good, but is positively mischievous and injurious. I say, the people who came forward as advocates of non-violence have proved to be the most violent people; they have shown no respect to law and order; and people who do not observe law and order must suffer all the consequences of the law, because no progress in any country can ever be achieved unless people begin to learn and respect the laws that are made for the country. They may have their grievances against certain laws; they may say that they are going to change such laws, but as long as those laws remain, they must follow those laws, and anybody who breaks the law, and teaches others to break the law, must suffer all the consequences of that. Sir, this Resolution, I think, must be opposed, and it should not find any favour with the House, however charming and innocent it may appear to some people.

1 P.M.

Mr. N. R. Gunjal (Bombay Central Division: Non-Muhammadan Rural): (The Honourable Member, speaking in the vernacular, supported the Resolution.)

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Mr. R. K. Shanmukham Chetty) in the Chair.

Mr. Uppi Saheb Bahadur : Sir, I am very sorry that my Honourable friend, Mr. Yamin Khan, is not in his seat at present. He was telling the House that our actions in regard to this Resolution are actuated by motives and he even went to the length of suspecting the sincerity of some of us, but I do not wish to question his motives. It is as glaring as day light. It is known to everybody. We are here to carry to the Government the voice of the public, the general majority of the public. The Government have recognised that we are elected Members of this House, elected by a majority of the public in India, and, as long as we are here, it has to be admitted that we have the confidence of the public and our opinion is the opinion of the majority of the Indian public. (Hear, hear.) Sir, Mr. Yamin Khan and others who oppose this motion from the non-official side know that Mahatma Gandhi is now in jail and that they should know that Mahatma Gandhi does not want to come out of jail through our intercession. Mahatma Gandhi is in jail on account of his own convictions. If at any moment he sends a telegram to the Honourable the Home Member that he is prepared to come out, the Honourable the Home Member will be only too glad to free him. He is in jail, because he knows he will not be better off even outside the jail. When he is outside the jail, he feels he is in a bigger jail. That is why he once said "I think India is a bigger jail", and that he was in a smaller jail. Sir, I was wondering that a Mussalman of Mr. Yamin Khan's erudition should have said that Mahatma Gandhi was responsible for the disturbance of the tranquillity and for all the trouble in the country. This is an old and stale cry. As a Mussalman, he must know that 1,400 years ago, this was the very charge that was levelled against the Prophet of Arabia by his opponents. Now, this was the charge that we find in the great Labour Movement in England that the capitalists put forward against the labourers. This is the charge against all people who fight for some ideals all over the world. Some years ago, when the famous Kamal Pasha was fighting for the life and death of his own country, the British people were crying hoarse that he was disturbing the peace of the country, peace and tranquillity of the world. Sir, even now in the modern history let us take the peace of the country. The Fascist, the Great Mussoloni has disturbed the peace of Italy, the great idealist Hitler has disturbed the peace of Germany. Are we, Indians, small men as compared with them? Gandhiji is fighting for an idea, the freedom. Is not freedom worth the trouble? It is not fair on the part of Mr. Yamin Khan and others who oppose this Resolution to be so ungrateful to men for whose strife and on account of whose suffering he and I are today here. Sir, this Assembly came into being on account of the sufferings of great men like Tilak, Dr. Besant and such other great men and women. This was not a free gift from Britain. This Assembly, which some of us may seem to think as the stepping stone for future greatness and for Knighthood, is in reality the result of suffering of great men. Even Mahatma Gandhi does not aspire to be a Member of this Assembly. All that he aspires is to see his countrymen free. It was only yesterday we were discussing about the White Paper. I ask that Honourable

gentleman "Who brought about this White Paper"—certainly it was the result of the sufferings of these great men and their followers. Sir, let me make my position clear to the Government. You know, that I was in the Swaraj Party in the Madras Legislative Council, but I could not in 1930 agree with the Congress Resolution and even in those days I wrote against it in the public press,—the civil disobedience movement. I had severed connection from the Congress on account of that. I do not see eye to eye with the civil disobedience movement, but, I do admire the courage and self-sacrificing spirit of those brethren. I do not wish the Government to be vindictive. My purpose here is to convey to the Government the wishes of the constituency which I have the honour to represent in this House, the majority of whom do not want to see these great men, these self-less men to be incarcerated for life like this. Mr. President, these great men are in jail not for any of their own aspirations, but only for general good of the country. Perhaps Mr. Yamin Khan is afraid of releasing those people, and if these people are released and are taken out and come to this Assembly, I am afraid that he would not be here after the next elections. He was afraid of all that. Sir, under the circumstances, I had much to say to my Honourable friend, Mr. Yamin Khan, but I am sorry he is absent. So it will not be fair on my part in his absence to say anything. I support this motion and, at the same time, I have to bring to the notice of this House that this Resolution is simply to express the non-official view on the matter to the Government, through this House. That is all. It is not mandatory. It is not because Mahatma Gandhi and his followers and Mufti Kifaetullah and others who wanted us to move it. We as non-official Members have a duty to perform and to give our opinion to the Government as to what the majority of the public of India thinks and what the wishes of the majority of the public in India whom we represent are and that is all what we want to convey to the Government. If they do not accept it, the fault and responsibility lies with them.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): Sir, I rise to oppose this Resolution; and, before proceeding with my arguments, I shall ask my two Honourable friends who have spoken and supported the Resolution, Mr. Uppi Saheb and Mr. Maswood Ahmad, what is the order of our God in our Holy Book, the Quran Sharif, which you all respect and I too: "*Alfitnato akbaro min alqatl*" and I wish that they should translate it.

Mr. M. Maswood Ahmad :: The reply is, since he wants an authority on this question.....

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Chair cannot allow this sort of dialectics on the floor of the House.

Major Nawab Ahmad Nawaz Khan: The meaning is that causing anarchy or disturbance is worse than committing a murder.

Mr. M. Maswood Ahmad: That is not in the Koran, Sir. My Honourable friend must quote any *sura* or *ruku*. What he says is not in the Koran.

Major Nawab Ahmad Nawaz Khan: I will show you after finishing this speech. I will bring the holy book and I will lay before you and every man can see and read for himself. What more authority can I

[Major Nawab Ahmad Nawaz Khan.]

give? If you merely want to interrupt, that is another matter. So, according to Islamic law, anarchy or disturbance is supposed to be worse than the commission of a murder. Therefore, these political prisoners who have been arrested are only arrested on account of creating troubles and this civil disobedience and other subversive movements and activities and supporting such actions which are unlawful and which destroy the public peace and tranquillity.

Mr. Gaya Prasad Singh: And for going to Calcutta!

Major Nawab Ahmad Nawaz Khan: Therefore, those, who are anxious for the release of these prisoners who are in jail now, should make it their duty first to inquire whether they are still holding the same opinion and advocating the civil disobedience movement and, if they will do the same thing after they are let out, or whether they have changed their opinion. If they have changed their opinion, they must express it, and I believe no section of the public or any Government of any Province will have any hesitation to allow them to be out of jail. But if they hold the same opinions and if they have the idea that when they come out of jail they will directly or indirectly start the same propaganda and resume their efforts of civil disobedience in a cleverer way or in any other way, then it is useless to ask that they should be released for doing the same acts for which the Government were compelled to send them to jail. This is an open secret and everybody knows that it is not a pleasure to the Government to send anybody to jail: only if a man does an unlawful act or disturbs the public tranquillity, they have to do so. If Honourable Members merely want to court popularity in the papers or outside, that is something else; but if they really wish to do good either to society or to this House, then, instead of repeating the very same question and hearing the same reply from the Government or other officials, it is much better that they should first inquire from those now in jail whether they have changed their opinions or not. If they have changed their opinions, let them come here with that authority and say that they must be released because they have changed their opinions. But if they have not, it is no use putting these questions and hearing the same replies. If they have changed their opinions, they are most welcome to come out and do everything they like for the good of the country and for the good of their community. The Honourable Mr. Uppi Sahab said that some of those at present in jail did very good service to the community for which this Assembly should give them credit. I admire and admit the good actions of those people, but it does not follow that a man who has done good in the past, if he commits a murder or anything like that he should not be punished, merely because in the past he has done good things. If the man, who built this Assembly Hall for us and with whom we are very pleased and thankful, commits a murder or some such thing, he cannot be exempted from punishment merely on that account. I, therefore, say that if these persons have changed their opinions, they must be out of jail, but, if they have the same opinions, I think it will be very unwise that they should be let out of jail. I, therefore, oppose this Resolution.

Mr. D. K. Lahiri Chaudhury: Sir, when I just came to the House, I remembered it was the first of April and I thought to myself whether I would be fool enough to support this Resolution or to oppose it. I was in a dilemma; but after the debate we had yesterday and after the fate that has been disclosed of India by that very frank document, the White

Paper, which is not only destructive of England but also of Indian nationalism, I do not see any reason whatever why I should support this motion at this stage, because I am fully aware of the fact that thousands of people have been arrested in a very anomalous situation—anomalous for the simple reason that, on the one hand, you declare the Congress to be a lawful body and, on the other hand, you arrest those people who are going to attend the Congress Session, including men like Pandit Malaviya and Mr. Aney who is the acting President of the Congress. They have been prevented from expressing their opinions on this White Paper and that proves the truth of the saying of the morning showing the day. For my part it is really a pitiable thing on an occasion like this that I have to oppose this Resolution, but I take it that I will not be misunderstood on the floor of this House if I simply oppose this Resolution. I stand shoulder to shoulder with the observations that have been made by the Deputy President of this House and my other friends. If it is the intention of Government to gag the press outside by statute and to arrest people even without knowing what they are going to do and to just muzzle their mouths, not only by Ordinances, but also by arresting them without cause and putting them behind the bars, it is no use pressing for the release of Mahatma Gandhi at this stage. Let Mahatmaji remain in jail; but I assure this House that amidst the clanking of chains and behind fetters and bars, nationalism will spring up by itself; and none can in this world, no power on earth, however strong and powerful it may be, can retard the progress of democracy. The Government can keep the physical body of Mahatma Gandhi in prison, but they cannot touch his spirit. The spirit which he has kindled in this country of non-violence, the spirit which has been imbibed by almost every patriotic Indian is such that it cannot be eradicated by any amount of Ordinances and Regulations. Let there be thousands of laws on the Statute-book, let there be thousands of legislations, let there be even a complete ban on the liberty of the press, but still you will find that the fire which Mahatma Gandhi has kindled in the hearts of Indians can never be extinguished. I do not know how far His Excellency the Governor of Bengal is justified in exercising his special powers in arresting so many patriots now proceeding to Calcutta, but I say again let there be thousands of Statutes, and none will be able to obstruct the onward march of progress in this country. This country has proved beyond all doubt its fitness to attain the status which is enjoyed by the commonwealth of nations. If merely the White Paper says that the country is not yet fit, a White Paper which has been condemned by even the moderates of moderates, I do not know for how long the British rule is going to remain in this country. Do the Government want a revolution? Do they invite chaos, or they want peaceful and systematic administration under the British flag? If they are anxious to run the administration under the British flag, then they must remain in this country and display reasonableness, and govern the country with justice and equity, and not with barbarism, if I may say so, not with terrorism. Sir, who are the terrorists? The flowers of India who come out of our Universities with noble and high ambitions are thrown in jails. Why is it so? It is because of the policy that has been adopted by the present system of Government. The Congress also has adopted the same policy, but on different lines. Today you are trying to muzzle the spirit; you can muzzle the physical body of man, but you cannot muzzle the spirit within him, and I can say with complete confidence that whatever amount of

[Mr. D. K. Lahiri Chaudhury.]

torture you may resort to, whatever amount of inhuman and brutal treatment you may give to our countrymen, nationalism cannot be killed. Yesterday I could not get an opportunity to speak on the White Paper although I am glad that my friend, Mr. Neogy, got his chance. What is the White Paper that we have got from Whitehall? I name it a "Frankenstine". Because it is the devil that has been created by Whitehall to destroy Indian nationalism.

Sir, many things are said about the White Paper, the question of Federation has been introduced into it. But where is the Federation? Where is the remotest chance of this Federation coming into operation? It is a complete mockery, I should say, because the English people can use the English language in any way they like, but with all of their skill and efficiency they cannot hoodwink the Indian public who are more than a match to our rulers. There are certain conditions which show that the Federation that is contemplated in the White Paper is remote and that it will not materialise in the near future. But, Sir, our onward march cannot be stopped by that. Only those who are privileged to talk, as the gramophone of Government, within the precincts of this Chamber may accept this Constitution, but, Sir, no self-respecting people, whether inside or outside this House, with a grain of common sense in him, can accept the proposals embodied in the White Paper. Even the people, who are behind the bars, if they are given an opportunity to express their views on the White Paper, would not even care to look at it. Of course, free expression of opinion is stopped by adopting special measures, because Government are really afraid of hearing the true opinion of the people on the White Paper. Sir, any such Constitution which will be given by the White Paper will not be acceptable to this House or to those who are outside this House. In these circumstances, it is absolutely foolish to demand the release of Mahatma Gandhi. Let him remain in jail. I know it for a fact that the place which was at one time the sojourn of the criminals and culprits has now become the temple of patriotism, a place of honour. It has become the Forum of nationalism. Every man, woman and child who has dared to cherish the spirit of nationalism has been put behind the prison bars. Nowhere in the world can it be found, that when responsibility is being transferred from one shoulder to another shoulder, the flower of the country, the best brains in the country are kept behind the bars, with the result that they are not able to express their thoughts. Sir, I was following the short notice question asked the other day by Mr. Jog, and the answer that we received from the Home Member was so disappointing that I think the less said about it the better, as, in the case of Nero, the less said about Nero the better, and, Sir, I may tell the Government that if they pursue this policy of repression, it will not strengthen the hands of the Tories who can shout many things in England, but it will strengthen the hands of those people who are suffering silently behind the prison bars and the hands of those people in this country who are outside the jails, but who sincerely feel for their brethren who have been put into prison most unjustly and most unlawfully. My friend, Mr. Yamin Khan, the leader of the Central Party, or some other party, I do not know what it is . . .

Some Honourable Members: Leader of the United India Party.

Mr. D. K. Lahiri Chaudhury: Yes, he is the leader of the United India Party, and he is trying to unite India by lending his support to measures calculated to suppress Indian nationalism.

Mr. Muhammad Yamin Khan: Yes.

Mr. D. K. Lahiri Chaudhury: He has ventured to open his lips because of the sure help of the Treasury Benches. He was telling of exploitation about my friend, Mr. Maswood Ahmad, but I should tell my friend, Mr. Yamin Khan, that he has not only exploited the House but also exploited himself by joining hands with the irresponsible executive; I assure him, this will not take him to any higher position than the one which he holds under sufferance as it were. He has been very rightly treated very recently

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): On a point of order, Sir. How is this relevant, as to how Mr. Yamin Khan has been treated by this House?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty) Order, order.

Mr. D. K. Lahiri Chaudhury: I am telling the plain truth which no Member can challenge. I throw out an open challenge in this House to contradict me. We set up a candidate against my friend who was supported by the Government, and we secured an overwhelming majority with the result that we defeated our friend. Let it be recorded in this House, because it is a thing worth recording, and in this way if pigmies of my friend's type are set up as candidates for responsible positions, they will be pooh-poohed by the overwhelming majority of this House. Sir, I assure my friend that he has not the ghost of a chance to get himself elected to this House in the next election. It would have been better for Government to dissolve this House at this stage and seek fresh elections on the issue of the White Paper, because they could then see what amount of confidence the White Paper enjoys among the people of this country. I want that the House should be dissolved at once and Members should seek a re-election on this issue. Let there be a fresh issue, like the issue in Burma, on this White Paper, then Government can see what amount of support they get from the public of this country. Instead of dissolving this House, instead of making the White Paper the main issue on which to contest the fresh elections, the Government are extending the life of the present Assembly. They are further gagging the press and suppressing the free expression of opinion by the people. The dumb millions of this country and the real leaders, who are inside the prison bars, have all been deprived of an opportunity to have their say on this White Paper. Is it fair, I ask? Is it just, is it equitable? Or is it heinous and treason against humanity? It is with great feelings of regret that I am opposing this Resolution today. If anybody asks me as to what I see of the future of India, I can tell him only one simple thing, which is contained in the Paradise Lost, a description of hell:

"As far as the angels ken,

We view the dismal situation waste and wild,

A dungeon horrible, on all sides round,

One great furnace flamed,

Yet from those flames no light but rather darkness visible,

Served only to discover the sights of woe,

The regions of sorrow the doleful shades,

Peace and rest can never dwell, hope never comes,

That comes to all but torture without end."

Mr. Muhammad Anwar-ul-Azim (Chittagong Division: Muhammadan Rural): I am indeed very much grateful to you for being able to catch your eye at this hour, but I should not have caught your eye immediately after the whirlwind speech of my Honourable friend, the representative of the zemindars of Bengal of which I am a constituent factor. It is very unfortunate that we often forget ourselves and try to take shelter under rhetoric—we forget the common courtesy which we in general society stand to a fellow being. I will not question, Mr. President, whether this House is in any way connected with Standing Order 29 prescribed under the Government of India Act, nor will I question the propriety of other friends who have spoken before me attacking so ferociously an Honourable Member, a colleague of ours here. But I must say, I do not want to use an exaggerated expression, I will only use a mild word,—it would be rank bad form to abuse a fellow Member here on the floor of this House under the protection of the Government of India Act and the rules and Standing Orders thereunder. So much for some of the points with which Mr. Lahiri Chaudhury did his *bismillah* here in this House. But I was rather amazed to find my Honourable friend, the Deputy President, coming out as the torch bearer on behalf of the Congress thinking or feeling perhaps that he had the strength in him to lead the forces of the Congress, or that he was in a position to deliver the goods on their behalf as an *amicus curiæ*. This question has been very often discussed here on the floor of this House and I think the Government have often been asked whether or not they are in a position to come to a decision with regard to the release of Mr. Gandhi.

If I am not mistaken, my Honourable friend, Mr. B. Das, from Orissa has often been asked by the Government, the occupants of the Treasury Benches, whether he was in a position to deliver the goods. What seems to me is this. The Government will surely consider the situation from different standpoints if either my Honourable friend, Mr. Abdul Matin Chaudhury or Mr. B. Das, is in a position to play the role of a Jayakar or Sapru here in this House. If my friend, Mr. Abdul Matin Chaudhury, or Mr. Das, or others were in a position to become messengers or ambassadors of Peace, on behalf of the Indian National Congress, I am certain that the Government would consider it with a certain amount of attention. But it seems to me without meaning any harm to them, that neither Mr. Abdul Matin Chaudhury nor Mr. Das nor others, who have waxed so eloquent on the subject, are really in a position to deliver the goods. That is the crux of the whole thing. I have great sympathy with my friends but if they were in a position to deliver the goods, I am certain the Government of India would have considered the question with seriousness. (Interruption by Mr. S. C. Mitra.) My friend, Mr. Mitra, who comes from my constituency, questions the propriety of my putting that question. I feel that not even Mr. Mitra with all his boldness will at this juncture be in a position to deliver the goods on behalf of the Congress, because it seems to me that the Congress has not really considered what will be their position in the coming future. If anybody wants to speak seriously and sincerely on behalf of the Congress, I am certain, there are other avenues absolutely open to them and I, in my own humble way, as a lawyer, would advise them to try them and not this forum. The Calcutta Congress does not seem to be in any mood to consider the situation from any changed angle now.

Mr. President, I want to be logical in my speech. I also feel that relevancy ought to play some part in our talks here. I was nearly taken off my feet when I listened to the thundering eloquence of my Honourable friend, Mr. Lahiri Chaudhury, the representative of the zamindars of Bengal in this House, when he uttered this question, how long are the British going to continue here? I think that is capable of answer in a very short word, and my answer to him would be, as long as they continue to be just and equitable. My feeling is that the British in this country ought not to be afraid of a civil war here nor the description of the hell as given by my co-collegian—John Milton—should frighten anybody as long as justice and equity are their watchwords in all their actions. If that be so, they can justly claim to continue here for many hundreds of years. Certain friends have also taken objection as to why the honoured name of Mufti Kifaetullah has been put in the very same Resolution. I have no quarrel with Mr. Maswood Ahmad, if he feels that by roping him in in this Resolution he will be able to get an easy passage out for Mufti Kifaetullah as well. But I think the so-called nationalism of the Mufti Sahib and others are not to be pursued as an ideal to unify the different votaries of Islam in this country. Personally I have very great regard for him as a learned man in Muslim law, but if a gentleman of Mufti Sahib's experience and knowledge tries to take the law into his own hands, Mr. President, I am afraid he has got to thank himself.

Previous speakers have waxed eloquent on the merits and demerits of the White Paper. I have no quarrel with them. I will have my chance of expressing my opinion as the President of an all-India organisation, but what I feel is this, that the Constitution should be given a chance for what it is worth, and, if it was possible to take away the rough corners from its various parts perhaps it will be worth trying. With these words I resume my seat.

The Honourable Sir Harry Haig (Home Member): Sir, the debate on this Resolution has perhaps inevitably suffered from the conditions under which it has taken place. Honourable Members of this House have perhaps almost forgotten what happened on the 15th February—the ironical suggestion made by my Honourable friend, Pandit Satyendra Nath Sen, that Government should release Mr. Gandhi in recognition of his friendly act in dividing the Hindu community. The debate was resumed on the 1st March and, after a few speeches including one by my Honourable friend, Mr. Ranga Iyer, of a moderate and appealing type, it was adjourned at the request of Honourable Members opposite who explained that they found some embarrassment at that time in making up their minds as to how they should cast their votes.

And now, just one month later, the debate reappears for the third time and this time we find it introduced by our new Deputy President. My Honourable friend, Mr. Abdul Matin Chaudhury, was, I am sure, endeavouring most sincerely to develop that sense of statesmanship in himself which he found so sadly lacking in me, and his speech, apart from certain personal references to myself, which are neither here nor there, was couched in conciliatory terms. But I felt tempted to ask Mr. Abdul Matin Chaudhury what are his credentials. Does he speak for the Congress or is he merely giving expression to certain anticipations based on goodwill and the desire for peace? Is his statesmanship based on

[Sir Harry Haig.]

facts or is it based on surmises? Sir, I think those who aspire to statesmanship should endeavour to base their policy on the facts so far as they can be ascertained and that will be my endeavour in the views that I shall lay before the House this afternoon. Though I oppose this motion, I do sincerely acknowledge the spirit of goodwill in which many of the suggestions have been made. Peace, Sir, it has been said, is the greatest interest of the British Empire, and peace, I am certain, is the greatest interest of India, internal peace, political peace. The question I have to ask myself is whether these proposals will in fact facilitate peace.

Now, Sir, it has been argued that we cannot expect a dispassionate consideration of the Constitution until the civil disobedience prisoners have been released. Could we expect it then? Let us put the matter positively instead of negatively. What are the positive results anticipated from a release of the political prisoners? I take it those positive results, which certain Honourable Members opposite anticipate, are the restoration of peaceful conditions in the country and the co-operation of the Congress in the new Constitution. Those ideas take us back to the atmosphere of 1931. It was precisely with those aims in mind that the Government of the day made what I venture to describe as an extremely generous gesture. Those ideas carry an obvious appeal to men of goodwill, that peace should be secured by agreement and that all should have a chance of co-operation in the framing of the new Constitution. At that time a magnanimous course was followed and I am glad that it was followed. It was right that the experiment should be made. The jails were opened. The Congress were invited to offer their co-operation in the further working out of the new Constitution. I mention past history in no spirit of bitterness, but I do think that it is necessary calmly to examine the facts and to form a judgment upon them so that our action in the future may have some solid basis. Was that gesture received in the spirit in which it was made? I say, Sir, emphatically, No. Within a short time, it became manifest that there was an organised attempt to utilise the settlement as a means for the preparation for a further conflict. The terms of the settlement provided that civil disobedience should be discontinued. To the Government that meant peace, but to the Congress it meant truce. Hardly had the pact been concluded than the word "truce" resounded from all Congress platforms (*An Honourable Member*: "It is truce"), and truce with that mentality, with the mentality of war, naturally degenerated after an uneasy interval into war once more. It is no use making peace with those who merely want a breathing space. To make peace, Sir, one wants a reciprocal spirit of peace, and that is what we are looking for, and hitherto looking for in vain. All this, Sir, justifies, and in my view necessitates, due caution on the part of Government. We cannot ignore the lessons of experience. After these two devastating outbreaks of civil disobedience—for they have in fact been devastating to the country—after these two outbreaks, we must endeavour to ensure the peace of the country. If, in fact, the Congress do not mean to revive this struggle, why should that not be made plain? Is there a mental reservation that, if the policy of Government is not to their liking, if the principles of the Constitution do not embody the Congress mandate—and I shall have a word to say in a few moments about that Congress mandate—they will hold over the head of the Government the threat of a revival of the civil disobedience movement? Sir, there can be no co-operation under a menace of the renewal of civil

disobedience. We have no wish to keep these prisoners longer than the circumstances require. But, equally we are determined not to let them out when their release might lead to a renewal of the civil disobedience movement. We must not risk the re-starting of trouble by premature action. Our position has been summed up in the words used by the Secretary of State in the House of Commons. He said:

"We must have convincing reasons to believe that their release would not be followed by a revival of civil disobedience."

Therefore, Sir, the question really resolves itself into this. What is the Congress attitude? I admit that it is difficult to get direct evidence about that. Men of peace, men who are desirous of bringing about peace in this country, suggest to us frequently that the Congress have changed their attitude, their outlook, their methods, and that they now desire—as we desire—peace. But that view is not very consistent with the evidence of the activities of members of the Congress that come under our eyes. It is, of course, a few months ago that Mr. Rajendra Prasad was the acting President of the Congress; but, in a statement, which he made, I think, at the beginning of this year, which he circulated—it was intended as a manifesto to all members of the Congress—he said:

"We are bound in honour to and do most solemnly renew our pledge of independence and reiterate our determination to continue the fight for freedom with truth and non-violence as our watchwords and non-co-operation and civil disobedience including non-payment of taxes as our weapons."

Well, Sir, that at any rate is an uncompromising assertion. Then, there is the question of what is the attitude of Mr. Gandhi himself. That is a matter on which no one but Mr. Gandhi can enlighten us. But it is obvious that as soon as Mr. Gandhi was released from jail, the problem would at once confront him—a problem which at the moment, I should judge from such utterances of his as I have seen, he prefers to put on one side—as to what attitude he should take with regard to civil disobedience. And, Sir, who is going to assure me of what the answer would be? Then, again, there are other leaders of a more extreme type than Mr. Gandhi who are at present in jail. What is their attitude? What would be their course of action if they were now released? It has been said, Sir, that the Congress might co-operate in devising and working the new Constitution. I wish that were true; I hope it may be true. When they are prepared to co-operate, we should welcome them. There are many at present in the ranks of the Congress who, I have no doubt, are pre-eminently fitted to help in the working of the new Constitution; and I venture to affirm my belief in those words uttered by His Excellency in his address to this House when he said that he believed that the march of events would bring them in. But has the time come yet? Politics, Sir, seem to me to consist in realising what is possible and making the best use of it, and not in demanding indefinitely what is impracticable. But have the Congress come to that position? I sometimes feel that the Congress have a different picture of democracy to that which we English people entertain, and which His Majesty's Government have in mind in the Constitution which they are at the present moment framing. I cannot help wondering whether the Congress still do not picture the future of India as what one might call the dictatorship of the Congress under democratic forms. That, Sir, is a feature that confronts us in various parts of the world.

[Sir Harry Haig.]

The most conspicuous example of a party, a well-organized party seizing the reins of power and establishing an absolute dictatorship over the rest of the country was in Russia. That was the position of the Communist party in Russia—a very well-organized party; they seized power for themselves and established their dictatorship. Now, Sir, if those are still the views of the Congress (Mr. D. K. Lahiri Chaudhuri: "They are not"), then I think that there are very great dangers ahead in this country and that no peace is in sight until those ideas are absolutely discarded. Would release, Sir, at the present moment be used for co-operation or for the old policy of destruction? Now we were invited in 1931 to release Mr. Gandhi in order to secure the co-operation of the Congress, and it is important to consider what conception of co-operation in this matter the Congress entertains. I have refreshed my memory in the last few days as to the nature of the co-operation which Mr. Gandhi extended to Government when he was released in 1931, in order that the Congress might participate in the further constitutional discussions. I happened to be in London myself during the period of the Second Round Table Conference and I heard Mr. Gandhi make his first speech to that Conference. I have it here. He started by saying:

"I have come to London to attend this Committee absolutely in the spirit of co-operation and to strive to my utmost to find points of agreement."

Nothing could be more promising than that. But, then, he went on to say:

"I am here to put forth that claim (*that is to say the Congress claim*) on behalf of the Congress in the gentlest manner possible but also in the firmest manner possible."

And, then, with a gentle manner, he read out the Congress demand which started with these words:

"This Congress, having considered the provisional settlement between the Working Committee and the Government of India, endorses it and desires to make it clear that the Congress goal of *Purna Swaraj* (*meaning complete independence*) remains intact."

He then went on to explain that the Prime Minister's statement at the close of the First Round Table Conference, which was really the basis of discussion, so far as he was able to understand it, fell far short of what was aimed at and claimed by the Congress. Well, Sir, it might be said that this was only a statement of an extreme position put forward at the beginning for the purposes of bargaining and that a spirit of compromise would make itself felt during the proceedings. But, Sir, Mr. Gandhi's last speech at the Round Table Conference was of a very different type to that. It was what I should call a menacing speech. It was delivered at the end of November just one month before he landed in India. After explaining his dissent from many of the conclusions of the Conference, he went on to say that the Congress represents the spirit of rebellion and he made it clear that he differed from the view that India should achieve her liberty through negotiation and by argument. He said: "The Congress has an alternative which is unpleasant to you" and he made it clear that the alternative he had in

mind, the alternative to negotiation, was force, and the method was civil disobedience. He said:

"No Government may tolerate civil disobedience but Governments have to succumb even to these forces as the British Government has done before now."

And unless the British Government conceded willingly the claim (and I would remind the House that he said that the Congress claim was registered as complete independence), he made it clear that they were to be forced by the method of civil disobedience to concede that claim against their will.

Now, Sir, as I said, I speak in no spirit of bitterness, but these are facts and we have got to take them into consideration today. At that time there is no doubt that Mr. Gandhi and other leaders of the Congress had complete confidence in the irresistible power of this weapon of civil disobedience. It may be that they have now lost that confidence. But we must be assured that there is, in fact, a change of spirit, that it is no longer a question of forcing the Government by these means to make concessions which they do not believe are reasonable, and that it has been replaced by a spirit of attempting to reach agreement by negotiation and argument.

Now, Sir, much has been achieved in the three sittings of the Round Table Conference (*A Voice*: "Question"), and the Joint Select Committee is about to sit on the proposals which are embodied in the White Paper. We want help from all men of good will, but we do not want to encourage the wreckers. Have the Congress any contribution to make at this critical period of India's history or is it, as it has been so continually in the past, a mere bunch of negatives? If they have any contribution to make, let them drop their talk of complete independence and let them drop their talk and their policy of civil disobedience. (*Maulvi Sayyid Murtuza Saheb Bahadur*: "What about Dominion Status?") We want the co-operation of every section of Indian opinion in the work of constitutional reforms. It is no pleasure to us to find ourselves in conflict with any considerable body of opinion. But the Congress has for long been pursuing false aims and using disastrous methods, and until it abandons those aims and those methods, there can be no real co-operation. In the past, Sir, the hope of Congress co-operation has been too often like a will-o'-the-wisp, the following of which leads the traveller into strange and dangerous places. What we are looking for is the steady beam of light betokening a habitation where one can enter with confidence and rest and feel secure.

Major Nawab Ahmad Nawaz Khan: Sir, on a point of explanation. I wish to show Mr. Maswood Ahmad this copy of the Koran to prove. . . .

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member has made it clear that the passage is in the Koran. That will do for the purpose of this House.

Major Nawab Ahmad Nawaz Khan: But he has said. . . .

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. The Honourable Member can pass the book on to Mr. Maswood Ahmad.

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural): Sir, on a point of order. Is it permissible to bring the Koran here to intimidate people?

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order.

Maulvi Sayyid Murtaza Sahab Bahadur: (South Madras: Muhammadian): Sir, but for the speech of the Honourable the Home Member made just now, I would not have intervened at this time. Sir, the Home Member asked the Congress people through us whether they are prepared to give up their demands for complete independence and to call off civil disobedience. I want to put a question to the Home Member. Supposing they signify their willingness to surrender these two things, are Government prepared to give India Dominion Status, and is the Home Member prepared to give an undertaking on the floor of this House to that effect? May I expect a reply from the Home Member who spoke, as he said, in a spirit of bitterness?

The Honourable Sir Harry Haig: Sir, I must intervene, I did not say that I spoke in a spirit of bitterness; I said exactly the reverse.

Maulvi Sayyid Murtaza Sahab Bahadur: He might have said exactly the reverse, but, from the very vehement way in which he spoke, I am led to think that he gave full vent to his spirit of bitterness and, as I hear some of my friends saying, it was nothing but bitterness. Sir, I had no occasion to give expression to my views on the White Paper during the last three days; but now inasmuch as the Home Member has repeated that the Joint Parliamentary Committee is going to give much power to India, that they are prepared to frame a very generous constitution, good legacy for maintaining peace and order in India, that they are anxious to give prosperity to India as the real custodians and trustees of Indians, then I have to meet his argument to a certain extent. The other day when the Bill relating to the Criminal Law Amendment Act was being discussed here, we were held out an assurance by the Law Member and the Home Member that much power was being given to Indians and that the Third Round Table Conference which was then in session in London was sure to transfer much of the real power to India. The Home Member then observed that I was singularly ignorant of what had been transpiring in the Round Table Conference and that is why I entertained some doubt as to the outcome of the Conference. I will now request him to see and judge for himself from what has been outlined in the White Paper, how far we are going to realise our hopes and how far he was and is in the know of things. Sir, we are not going to get anything. Even what we are going to get is not going to be satisfactory not only to the Congress people but even to the non-Congress people. He said during his speech that dictatorship could not be put up with. As if Gandhiji is a dictator and he has no working committee, no all-India Congress Committee and none to support him whole-heartedly and it is his voice and his voice alone that predominates. If the Honourable Member will read the proceedings of the Calcutta Congress he will find how Pandit Jawaharlal Nehru and Mr. Subhas Chandra Bose were able to counteract Mahatma Gandhi, so much so, that he was about to surrender to them.

Not only that, Sir. If the Home Member should again take the trouble to read the proceedings of the Ahmedabad Congress, he will find that when Maulana Hasrat Mohani moved the Resolution for complete independence, Gandhiji had to take a great amount of trouble to approach each and every member not to support that Resolution. Sir, so far as I know he has always been for Dominion Status; but he was driven to the necessity of making common cause with other Congress leaders to pass a Resolution for complete independence at Lahore on account of the tenacity which was displayed by the Government of India. But for their tenacity such a Resolution would not have been passed there. Even now, as I said, if any assurance can be held out to the effect that India shall have Dominion Status, I think the matter can be very amicably settled.

Then, again, Sir, some of my Muslim friends pounced upon my Honourable friend, Mr. Maswood Ahmad, for having included Maulana Mufti Kifaetullah in this Resolution. I want to ask those gentlemen whether Mufti Kifaetullah is not one of the political prisoners. When they have so much admiration for him, why should they not support Mr. Maswood Ahmad's motion? Some Muslim friends and a few Hindus may not be admirers of Gandhiji, but I may assure the House, Sir, that 90 per cent. of the Indians as a whole are admirers of Gandhiji, though many of them are not his followers. He may be wrong in having taken to a method which has not proved very effective. But his *bond fides* and his followers' *bond fides* cannot be questioned by anybody. He and his party have made so many sacrifices and subjected themselves to so many sufferings and hardships for the well being of India and Indians according to their own light. Government who pose themselves as our custodians and trustees have not given a practical proof of the veracity of their statement. (Hear, hear.) Sir, White Paper is quite clear on that point. Supposing something substantial we are going to achieve after the Joint Parliamentary Committee, as the Home Member has said, why do the Government not agree with us at least in this point that, so far as the delivery of goods is concerned, it is the Congress that has to undertake the duty through Gandhiji? Sir, is there anybody in the House that can question it? The Congress organization happens to be the only well-organised institution throughout India, a point which has been recognised even by the Viceroy and by the whole Government? Even supposing the Joint Committee do succeed in effecting palpable changes in the future Constitution, which I do not believe, even supposing many favourable things come to pass. I may assure the Government that there would be a lot of difficulties in putting them to action. How long can a Government go on imprisoning persons, numbering 50,000 or 60,000? Is this a wise policy of maintaining peace and order? So, Sir, the Government should see their way to release all the political prisoners including the Congressmen, including Jamiat-ul-Ulema members and workers and all other political prisoners who have not committed any act of violence. As I once remarked, Sir, this non-violent civil disobedience movement cannot be killed by any Act. Government have fully realised this point and yet they won't give way. Of course we are going to hold discussion on that point shortly. So I need not take the time of the House by developing it. Sir, as regards the dictatorship, I may say one thing. The real dictatorship is now to be enjoyed by three kinds of rulers: The supreme dictatorship is to go the Secretary of State, the dictatorship is to be enjoyed by the Governor General and the Provincial dictatorship is to be enjoyed by the Provincial Governors and not by either Mahatma

[Maulvi Sayyid Murtuza Saheb Bahadur.]

Gandhi or by any of his followers. (Hear, hear.) This point I have tried to convince my friends on the other side of this House with the hope that they will put forth genuine efforts to amend matters and create good atmosphere for the welfare of India and British Empire.

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, during the five minutes' span of life allotted to me on this Resolution, I would just say that the Honourable the Home Member made a very weighty statement. I am glad he lifted the veil of what happened in 1931 and he described that history. I am glad to know the view point of the Honourable the Home Member and that of the Government of India. He was then in England. Of course he did not participate in bringing out the Gandhi-Irwin Pact.

My friend described Mahatma Gandhi as the dictator, but while I was listening to his speech, I could not recognise whether he was replying in the voice of a Mussolini or a Hitler. Well, I took it that he was dictating. He was telling that Mahatma Gandhi was not to compromise and so he is not going to release Mahatma Gandhi and other political prisoners. What about the telegrams and cablegrams that surely the Honourable the Home Member has got in his file and the India Office has got in its file, between England and India, between the friends of India and the friends of Congress and also prominent Congress leaders who were very anxious in the months of November and December last and in January this year to create a favourable atmosphere to bring about peace in India? The fact is that Government are in trouble. They knew that the Government at Home were for the release of Mahatma Gandhi and other political prisoners. That was the impression got by that prince of moderates, Sir Tej Bahadur Sapru and also by his lieutenant, Diwan Bahadur Ramaswami Mudaliar. I am sorry he is not present here. I am sure he is a party to it. Sir Tej Bahadur Sapru was assured in London that as soon as he landed in India, Mahatma Gandhi and other political prisoners would be released. Why were they not released? Now, my friend has lifted the veil. Sir, I will also lift the veil a little. What happened in 1931? A friend of Mahatma Gandhi asked him: "Well, Mahatmaji, while you are getting 75 per cent. of the Dominion Status of Swaraj, why do not you accept it?" The Mahatma said: "Well, if I am convinced that I am getting even three annas worth, i.e., something like 20 per cent. even, then I will accept." My friend, the Home Member, who did not participate in the White Paper discussions gave out his views today. My friend knows that the White Paper does not contain even transfer of 20 per cent. of power and responsibility to us. My friend, Sayyid Murtuza Saheb Bahadur, has pointed out that if Mahatma Gandhi led the civil disobedience movement, it is non-violent civil disobedience movement and so what was the use of calling him Mahatmaji, a wrecker.

Somebody yesterday and somebody this morning said,—it is my friend, Mr. Yamin Khan—that the civil resisters inspired communalism in the country. Well, they can say anything they like, but if I can interpret the thought of the political prisoners who are in jail and their colleagues who are outside this House and who are not here, they will say in the words of Sir Samuel Hoare:

"The caravan passes by:
Let the dogs bark."

So the caravan of the Congress is passing by. (Hear, hear.) It matters little for them. Probably and even certainly it is the view of the Govern-

ment of India that Congress leaders should not be released. Sir, I was going to say "probably", but I did not mean it, as who knows that the Secretary of State and the British Government are not going to part with even 20 per cent. of the power? Therefore, the Honourable the Home Member can dictate and he can keep the political prisoners, Mahatma Gandhi and others in jail, but to accuse them that they are the wreckers and Mahatma Gandhi did not even want the Dominion Status is not to reveal the whole truth. I would remind the House what my friend, Sayyid Murtuza Saheb Bahadur, said that there was a difference in the Congress camp. There is a certain section who wanted substance of independence.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order, order. Mr. Lalchand Navalrai.

MOTION FOR ADJOURNMENT.

WHOLESALE ARRESTS IN CONNECTION WITH THE CONGRESS SESSION IN CALCUTTA.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I
4 P.M. move that the House do now adjourn and, in doing so, I have two objects in mind.

[At this stage Mr. President (The Honourable Mr. R. K. Shanmukham Chetty) vacated the Chair which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

The first is to try and draw the attention of this House to the wholesale arrests of Indian men and women, men of status and position, who have gone to attend the Calcutta Congress, men who were going to attend the Congress and even those who intended to go to attend the Congress. The second object is to draw the attention of the Government that this wrong policy of theirs, this wrong policy of repression, should be put a stop to. No country, no Government has gone on ever with repression. It is only conciliation and the seeking of goodwill that makes for good government and establishes it in people's hearts. At the very outset, I must say that I am not a Congressman, I am not a member of the Reception Committee of the Congress, and that I have no hand in the management of the Congress. I may also inform the House that I do not want to attend the Congress nor have I any intention of doing so, not from the fear that I may be arrested, but because I have no intention myself of doing so. As a disinterested person, therefore, I give this advice to the Government that they should not do things which excite the people. Instead of bringing in a good atmosphere into the country, the Government are leading to a disturbed atmosphere. The Government are seeking to put down the Congress in an indirect manner. The Congress is not an unlawful body. In answer to questions here, the Honourable the Home Member has said several times that the Congress is not an unlawful body: and the same view, I find, has been taken by the Bengal Government. This question, which I am discussing on this motion, was debated in the Bengal Council on the White Paper Debate, and there it has been said—I am reading from the *Hindustan Times* of today:

"Replying to a series of questions in the Bengal Council on Friday, in connection with the Calcutta Congress Session, Mr. Prentice, Home Member, said that no order has been issued prohibiting the ensuing Session of the Congress in Calcutta and that the Congress itself has not been declared as an unlawful body."

[Mr. Lalchand Navalrai.]

Sir, I am really amazed. As a lawyer, I would appeal to the grandest lawyer in the House, the Honourable the Law Member, to say whether, if any assembly is not an unlawful assembly, but is a lawful one, is it or is it not illegal that people should be arrested when they intend to go to a lawful body, and, furthermore, that they should be arrested when they have only an intention of going there?

Mr. O. C. Biswas (Calcutta: Non-Muhammadian Urban): Was not the Reception Committee declared unlawful?

Mr. Lalchand Navalrai: I was coming to that. That is my second point. Coming to the second question to which my Honourable friend from Bengal is very anxious to know the reply, I know it has been said by the same Home Member that the Reception Committee had been declared an unlawful association. But, Sir, may I know if all these arrests have been made because these people have actually joined the Reception Committee? I would say that those who actually reached Calcutta, according to my information, had not yet enrolled themselves as members of the Reception Committee when they were arrested. Is that legal? Is that lawful? Is it British or un-British? Still more, Sir, if people are going to be arrested when they have simply started from their homes and have not yet reached Calcutta, I cannot possibly see that there is any law which would allow this sort of thing—not even the rules and regulations that have been made under the Special Emergency Acts. I submit, it is not a few people who have been so dealt with. There are so many who have been arrested from all nooks and corners of India. I find, with great pain, that people from my own province of Sind have been arrested in Hyderabad and Karachi and other places, even though they had not yet reached the railway station. By this course of action, we lose confidence in the Government, and, I submit, it is high time, now that the Constitution is in the making,—a Constitution which is opposed by the people and is considered by them unsatisfactory—at a time like this, it is the duty of the Government to see that such things as these are not put into force: it simply adds insult to injury. Sir, I have absolute sympathy with those who have been arrested, because I feel that they have been unlawfully arrested. I think, on the other hand, that the Government ought to be thankful to these people who have adopted non-violence as their creed. Non-violence has saved the Government. Government should be very thankful to the hero of that non-violence movement that has saved the Government. Otherwise, like Bengal, which is teeming with terrorists, the whole country would have been like Bengal. The Government should, therefore, be thankful to Mahatma Gandhi for it. I would ask Government whether the situation is not something like this: these people are going to attend a lawful meeting, a meeting which has not been declared unlawful. Can you not then compare it with the meeting in this House of the Assembly which is absolutely lawful? And if, a Member, who is on his way to attend this Assembly and claims his right to do so, is arrested, is there any law under which you can justify his being arrested only because he desired to attend the Assembly? Sir, it is exactly like that, and unless and until the Government come forward boldly and say that they hold the Congress an unlawful body, it is very unjust to arrest the delegates. We have put direct questions in this House on this point;

I have myself several times asked in this House as to where is the necessity of approaching the matter in this indirect and circuitous manner, which is rather, I should call, infamous. If the Government hold the Congress an unlawful body, then they should openly say so, but why do they say that they do not regard the Congress an unlawful body and yet arrest the delegates or people who wish to attend the Session when they are on their way to Calcutta?

Then, Sir, in my opinion, there need be no apprehension in the mind of any one about any disturbance taking place by holding the Congress Session in Calcutta or anywhere. If Mahatma Gandhi had been set free and if the Congress Session had been held under his presidency, there would have been greater safety to the people and the Government alike, but in his absence the Congress was going to be held under the presidency of that revered leader of India, Pandit Madan Mohan Malaviya, whom this House knows very well. Honourable Members know very well the very moderate views of Pandit Malaviya, and if the Congress Session had been allowed to be held under his presidency, there would have been absolutely no harm, no kind of disturbance would have taken place. But may I not ask, when Government boasts that they have got the power to stop any meeting in the event of any disturbance taking place, why could they not have waited until actually the Congress Session was held and then taken any action they liked if there arose any necessity. There are several meetings held all over the country and we know even *lathis* are used in some of those meetings, but such things would not have happened in the Congress if it were permitted to hold the Session under the presidency of a man like Pandit Malaviya. In that sense the Government have become irresponsible, because when they have the power to stop the Congress or, any meeting for the matter of that, if there is fear of any disturbance of the public peace, why did they resort to this harsh step before the meetings were actually held?

Mr. C. C. Biswas: Prevention is better than cure.

Mr. Lalchand Navalrai: I do not think my friend will accept the position as a lawyer. It appears to me that the methods by which these people are being arrested are so costly that it is really a drain upon an already bankrupt Budget. Not only people are going to Calcutta by rail, but I am told that people even from far off villages are going there on foot,—that is what the papers say. Now, is the Congress dead? I say no, but the activities of the Congress are going on in a silent and non-violent manner.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The Honourable Member has got only two minutes more.

Mr. Lalchand Navalrai: Thank you, Sir. I shall just conclude. I think it is only the question of prestige that has entered into the head of the Government in resorting to this step. They want that Mahatmajji should come out in the open and offer his terms and declare that he will give up the civil disobedience movement, but, are the Government giving him a chance to come out and express his views, and if there was any period when Mahatma Gandhi should have been allowed to have his say, it was at the present juncture. Government have locked him

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up, as also all the leaders of the country. Mahatma Gandhi knows that, according to the rules and regulations of the jail, he cannot express his opinion. Now, I shall conclude my remarks by merely adverting to the test which is suggested to be applied by Mr. Morgan Jones, M. P., in the Parliament:

"It was no good suggesting that they had a favourable atmosphere in India for discussion until all people representing all shades of opinion were free to discuss among themselves. There were thousands of people in the jail, including large numbers of those belonging to the most influential body of organised opinion, besides its leaders. They had been frequently told that the Government's attitude must be a declaration of the abandonment of the policy of non-co-operation. How did Sir Samuel Hoare propose to put that to test? He pointed out that the Calcutta Congress Session had been banned, and he suggested that the only way that Sir Samuel Hoare could expect such a decision as the abandonment of the non-co-operation was to allow the meeting to be held."

Sir, I move.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Mr. Deputy President, the Congress, which is the premier political institution in India and which is a perfectly constitutional and legal body, is now because of the measures adopted by the Government, precluded from holding its meeting, and it is not allowed even to express its opinion on the White Paper. It has been made abundantly clear, and we had it from the Government themselves, that the Congress is not an illegal or unconstitutional body, and it is, therefore, difficult for me to understand what is the purpose of Government, when they do not declare the Congress an unconstitutional or illegal body, nor do they prevent its Session being held in Calcutta by passing some orders under section 144 Cr. P. Code, prohibiting the holding of meetings in furtherance of the Congress programme, but yet arrest people in the small hours of the morning in different parts of India and take all possible steps to prevent the holding of meeting of the Congress.

Well, if Government want to tell the world that the Congress is not largely attended and that it has ceased to be representative, for there were not sufficient people to attend the Congress Session, if that is the object of Government in preventing people to attend the Congress Session in Calcutta, then they are entirely mistaken. Do they want to tell the world that the Congress is an unrepresentative body and that there are no delegates to attend it? Perhaps the Honourable the Home Member will explain in his speech what exactly is the purpose Government have in mind in not passing orders under section 144, Cr. P. Code, or under similar sections. I think they are now acting under section 3 of the Criminal Law Amendment Act, which says:

"Any officer of Government, authorised in this behalf by general or special order of Local Government, may, if satisfied that there are reasonable grounds for believing that any person has acted, is acting, or is about to act in furtherance of the objects of any unlawful association," (*This is not an unlawful association and so this portion of the clause cannot apply*) "or in furtherance of the commission of an offence under section 23 or of any offence prejudicial to the public security, may himself arrest such person"—(*and here unless and until Government will interpret that the holding of the Congress is an offence, because it is prejudicial to public security, it is not, an offence*)—"without warrant, or may direct the arrest without warrant of such person, and in making such arrest may use any means that may be necessary to effect the arrest."

I do not know really how the question of public security could affect the holding of the Congress Session, and the main purpose of holding

the Congress Session, as far as I could understand, was to discuss the White Paper. Now, Government were anxious to give three days to this House for the discussion of the White Paper, and the Honourable the Home Member narrated to us about the attitude of Mahatma Gandhi in London. May I remind him of the attitude of the British nation itself when, after the Treaty of Versailles, India was invited to be the original member of the League of Nations which was open only to some Sovereign States and self-governing Colonies? Was it not one of the Fourteen Points of President Wilson that every nation will have its right of self-determination? We certainly claim that it is the birthright of Indians to have any Constitution that India likes and not to be dictated to by Britain. Britain may have forgotten those days, those pledges. I do not say,—if I have time, I will explain it later on—I do not say that I am against British connection, but I am certainly against British domination. India alone can and should settle her own Constitution. She may seek the co-operation and advice of the Britisher, that is a different question. But I know also that, under our present circumstances, Britain can force down our throats any Constitution that she likes. That was the reason why I did not like to take part in that insulting discussion that we had in this House. Who cares for the opinion of this House about the White Paper? I know the time will come when India will settle her own Constitution and then will be the time for us to demand it. England is having representative institutions for centuries now, but, even after more than 100 years of British rule in this country, England did not think giving any representative institutions to India. The other day, my Honourable friend, Mr. Amar Nath Dutt, was narrating the story how in the Lord Cross's Act some element of representation was first given to India. Now, there is great anxiety to have more of these things. I say, these concessions are not actuated by any charitable disposition, they can never be. It is certainly true that a nation gets the Constitution that it deserves. What Constitution we deserve we shall get and no power on earth can stop it. It is the contention of the Die-hards in England

Mr. Deputy President (Mr. Abdul Matin Chaudhury): I do not want to interrupt the Honourable Member, but the relevancy of his argument seems to be very far fetched.

Mr. S. O. Mitra: The relevancy is this. The Congress is the only political organisation in India whose voice will really decide about the future Constitution, and the arrest of all the delegates in different parts of India under the pretext of any of the criminal laws of the land is an abuse of law. If really Government want some real settlement, it is by the co-operation and help of the national leaders who are mostly represented in the Congress. The relevancy is this. If Government think that the time has come when Indians should form a part, if not the major part, in framing their own Constitution, then they should not keep the Congress delegates in jail when they were gathering in Calcutta mainly for the purpose of discussing the White Paper. The Honourable the Home Member made it perfectly clear today that the Congress leaders cannot expect to be free unless they give up the ideal of independence. I did not think that an Englishman of his position would expect any self-respecting Indian to subscribe to the proposition that even the ideal of independence was not to be claimed by them. For myself, I really believe that there is very little difference between full Dominion Status

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and independence. I claim independence; and if I get full Dominion Status, I shall be more than satisfied, because if we could get real Dominion Status, that would mean independence for India. My Honourable friend, Sayyid Murtuza Sahib, asked the Honourable the Home Member several times, and I think it was my Honourable friend, Mr. Ranga Iyer, who said that even the words "Dominion Status" were not uttered by any of the parliamentary leaders in connection with the White Paper and it does not appear anywhere in that book. If the Home Member likes to be frank and free, he should tell us if they have receded from the original position and that they are not willing even to concede Dominion Status in a diluted form. Let us be plain and frank.

I know that the present policy will merely drive the whole country in desperation into the hands of the extremists. The position of constitutionalists like us here in the Assembly will simply be intolerable between those two extremes. On every occasion possible we have said that the present policy of the Government is wrong and that the Congress should be given full freedom to meet. It is only in the open Session that the Congress can properly give vent to its feeling. Why are the Government so nervous when the Congress Session is proposed to be held publicly, openly, and with the ideal of non-violence? The whole of India is unarmed, and why should the Government be so nervous as not to allow them to decide their future programme? I ask my Honourable friend, Sir Harry Haig, in all seriousness, who is an Englishman, what is left to an unarmed nation like the Indians, if all their wishes, all their resolutions, all their demands are thrown out without the least consideration by the powers that are governing them? What can they do? Is not civil disobedience the only remedy? What else is left after times without number we have begged in vain with a beggar's bowl as my friend, Mr. Gaya Prasad, would say? If all constitutional measures fail to attain what India in an unanimous voice may demand, what is left to a civilised nation like India, which will not go to the barbarity of a war, except to have recourse to civil disobedience? Is really the principle of civil disobedience immoral? I think that is the only moral way by which a nation, that is spiritually strong, can put pressure on the power which is ruling over them only with physical force. It is too much to expect that these Congressmen will say that they do not want independence. But independence, as has been explained more than once by men like the late Pandit Motilal Nehru—the substance of independence will be sufficient. In the Conference of All Parties it was stated several times that we did not want the whole of Dominion Status all of a sudden, we ourselves agreed to have safeguards. After all this, the Home Member says that because the Congress said that their ideal was independence, that should necessarily mean severance from Britain and that will necessarily mean further that every one in the Congress, when let out of jail, will start civil disobedience tomorrow. I think that is assuming too much. If you like to hang a dog, you can give it any name you like, but I say that there is still time for the ruling powers to reconsider their position. They must try to reconcile every section of the people to help the Government, because, due to trade depression, the time has come when only a National Government, with all the energy and enthusiasm of national leaders, can save India from her present position, and this is the case with every country in the world. Foreign rulers, with all their energies, with all their intelligence, will not be able to save the situation.

With these words, I support the motion of my Honourable friend for censuring the Government for not allowing the Congress to hold its Session in Calcutta.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions Muhammadan Rural): Sir, before the Congress was invited to the Round Table Conference and Mahatma Gandhi and other Congress people went to England, the politicians and the great men of Europe and in England said that the Congress was the only organised body in India and that it was the greatest political body. This was said from the top of voices that the Congress was the only political organisation, the only intellectual body that could deliver the goods to a great extent, if not to the full extent, on behalf of India. Today we find the Congress, and the Jamiat-ul-Ulema subjected to humiliations. They are rotting in jail and are not given an opportunity even to express their opinions on such an important occasion, an occasion when the whole of India is denouncing the White Paper, an occasion when the life and death question of India is hanging before the world.

When we move this motion in this House, our object is simply to bring the matter to the notice of the Government and to give them our definite views on the subject. We know that our voices may not be effective, our arguments may not be convincing, but still we hope that when we move this motion, our voices will reach the British ears and the ears of the Government of India in very express terms. We know, as a matter of fact, that there are two belligerents in the Indian field, one is the Government and the other is the Indian National Congress. Our object here is simply of a peace-maker and not to join any of the belligerents.

[At this stage Mr. President (The Honourable Mr. R. K. Shanmukham Chetty) resumed the Chair.].

It is not only in the interest of the country, but also in the interest of the new Government that may come into being as our national Government, that we ask for the peaceful and calm consideration of the White Paper. Our object is nothing further than that. The Honourable the Home Member said that our Deputy President spoke in a tone of bitterness. It is not in a tone of bitterness, but in a tone which will ensure that our case may not go by default. When we move such Resolutions, we do speak in feeling terms. We use vehement words. They may not be conclusive to other minds, but we want to put it in a language which will be appealing. It is a pity that we could not discuss the White Paper at some length and that several of us could not find the time to say anything on the White Paper. I am one of those unfortunates. But now I would not say anything about it at all, except the fact that if the White Paper is to be received in India in a peaceful condition and discussed in a spirit of conciliatoriness, then we must have a calm atmosphere to consider it calmly, coolly and dispassionately. How can any Government in this country go on when the greater portion of the intelligentsia is confined in jail. Every house is weeping for the father, son or brother or other relatives who are in jail. 1,600 people are in jail. My submission is that only when these prisoners are released, there will be a calm and peaceful atmosphere in the country for the consideration of the White Paper. With these words, I support the motion.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): After hearing the impassioned irrelevancies of my friends, Mr. S. C. Mitra and Mr. Azhar Ali, one would be tempted to reply to them on account of the apparent sincerity behind them.

Mr. S. C. Mitra: It requires brains to understand us.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Is it a reflection on the Chair that it allowed irrelevant talk?

Mr. N. N. Anklesaria: But, I will resist the temptation and direct myself straightaway to the motion of my Honourable friend, Mr. Lalchand Navalrai. That motion I find to be absolutely irresponsible and absolutely ill-conceived. It is irresponsible, because the Honourable the Mover does not know the consequences involved in acceding to it.

Mr. Lalchand Navalrai: Question.

Mr. N. N. Anklesaria: It is ill-conceived, because it has absolutely no solid reason behind it. The only reason that my Honourable friend adduced was that it was part of a repressive policy. I ask my Honourable friend what is repressive policy. If repressive policy is the enforcement of respect for law, I should welcome that repressive policy and I feel sure that every sane minded man in this House and outside will be with me in that opinion.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): What is that law please?

Mr. N. N. Anklesaria: I will just come to that. The law is laid down in the Bengal Criminal Law Amendment Act and the Public Security Act and if any man offends against that law, it is but fit that he should suffer the consequences of so offending and if a Government do not stand by their law, it would be a serious dereliction of their duty to the whole country. The Congress stands for Gandhism, the Congress stands for non-co-operation, the Congress stands for the non-payment of taxes and the Congress stands lastly for civil disobedience, disobedience of the laws of the land.

An Honourable Member: Why don't the Government declare it an illegal body?

Mr. N. N. Anklesaria: It is a great pity that the Government of India have up till now not declared the Congress an illegal body.

An Honourable Member: You then pass a vote of censure on them.

Mr. N. N. Anklesaria: An Honourable Member tells me that the time is fast coming when that body will be declared an unlawful body, and as my Honourable friend, Raja Bahadur Krishnamachariar, said before, "he laughs best who laughs last".

An Honourable Member: You are quoting your Leader.

Mr. N. N. Anklesaria: Sir, I can say that a man who does not pay any respect to law and order, and who aids, either by deed or by word, its violation is a veritable enemy of his country.

An Honourable Member: Opinions differ.

Mr. N. N. Anklesaria: Sir, as I said, it is high time that, if the Congress does stand for the subversive activities that I have enumerated, it should be declared an illegal body. If my Honourable friend, the Mover were to know the extreme moral disintegration which Gandhism has brought about, at least in my province of Guzerat, he would think twice before advocating its continuance. Gandhism has set the child against the parent. Gandhism has set the pupil against the teacher. Gandhism has set the wife against the husband. And, lastly, Sir, Gandhism has set, as we all know to our cost, class against class! And it is high time that Government should come forward and stand by the people and do their duty. Sir, the enemies of India ought by this time to know that the policy of compromise and cajolery is gone, and the policy of justice and firmness has come (Hear, hear); and, Sir, with all respect to my Honourable friend, the Deputy President, I would say that if any one man has stood during the last two years between chaos and order in this country, that man is our Honourable friend, Sir Harry Haig. (Loud Applause.)

An Honourable Member: And also Mr. Anklesaria.

Mr. N. N. Anklesaria: Yes, possibly Anklesaria. (Laughter.) Let me tell that to my Honourable friend, the Deputy President, plainly and frankly. Sir, I am sorry, my Honourable friends are interrupting me in that spirit of levity which is so much to be deprecated in responsible legislators, such as they pretend to be. This is all I have to say against the motion and I strongly oppose it.

Mr. B. V. Jadhav: Sir, before supporting the motion moved by a Member from my Province, I wish to congratulate my colleague from Guzerat on the excellent spirit which he has shown and which he is in the habit of showing in this House (Laughter.) Sir, he has the honour to represent the same constituency which returned your predecessor: and when the Press gallery reports this evening a summary of his speech, I wish they would not spare any efforts to give the full text of his speech so that perhaps the voters of Guzerat will realize their folly in practising non-co-operation at the time of the election. Sir, if anything is wanted to convince the followers of the Congress that their doctrine of non-co-operation with the legislative bodies was wrong, such instances as these will, I am sure, convince them; and I hope and trust that at the next election Congress will not stand out,—because they have to pay a very exorbitant price.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): What is that price?

Mr. B. V. Jadhav: You, Sir Muhammad Yakub, and the House know that very well, I should think. Now, Sir, to turn to the motion under consideration, up to this morning more than a thousand persons have been arrested at different places and different stations for the simple reason that they were going to attend a session of the Congress which

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is not yet an illegal body. The holding of a session of the Congress is *prohibited*; it is not illegal; and it has been the practice in all civilized countries that whenever any person or group of persons find that an order of the Government is not a right one, they have the only method of protest by breaking such order. I do not think there is any impropriety in that. Sir, Governments are carried on, after all, by human beings. It cannot be said that any Government is infallible and that therefore all their behests ought to be obeyed without any objection or without expending even a thought over it by a subject. Sir, the orders of the priests and of the churches are sometimes placed before the **congregation under the guise that they emanate from a higher authority, from God**, and therefore are infallible and that they ought to be accepted without any murmur and question. But any order of a lay and secular Government cannot lay any such claim to infallibility: and therefore when any section of the public thinks that an order of the Government is not right but is wrong, then that section has the right to protest against it and to break it. Of course, it does not deprive the Government of the country of the power of exercising their right to punish such delinquents, and I do not condemn Government for the action they have been taking. **I am simply placing before them the fact that while they think that their actions are right under the laws that they themselves have made but which are considered by others unjust, the people who have come forward to break them do also realize the consequences and with open eyes they are defying those orders.** Government, Sir, is proclaiming to the world that the Congress movement is dead, that the Congress is broken. And one would have naturally expected them to bring about such circumstances as would lend support to their declaration. They ought to have allowed the Congress to hold their session and if they found that the Congress had passed any objectionable resolutions, then they would have had ample time to make use of one of the sections of the Acts they have got passed in this House and in the Bengal Legislature. Under the provisions of those Acts, they could have at once netted together the thousand and odd delegates that would have gone to attend the session of the Congress. They would have been saved a good deal of trouble because an operation in a single place would have been less troublesome, less costly and less uncomfortable. Now, look at the procedure they have followed. They and their officers have been very vigilant in all the places from which likely delegates were to go. Each and every railway train is watched; each and every railway carriage is pried into and in this way a host of Government officers are put to unnecessary trouble. We read that persons are arrested at about 3 o'clock in the morning, quite an unearthly hour, very uncomfortable for the persons who have been arrested and also very uncomfortable for those who carry on the arrests. They say, Sir, that inscrutable are the ways of Providence, but the ways of Government also come under the same category. They are quite inscrutable to persons like me. I would have preferred that the Government should have issued orders to make the arrests in the City of Calcutta alone. Then the police of Calcutta alone would have to take the trouble of making the arrests. The police of all other places would have been free from all bother. But in order to show their might and power and their very good organisation all over the country, the Government issued the orders that arrests should be carried on in every nook and corner of the country. What is the result? The

result is that the Associated Press and Reuter's Agency, both of which are subsidised by Government, will convey to all the four corners of the world the news that the Congress is not dead. More than a thousand persons have come forward courting jail and punishment from the Government. More than one thousand persons have come forward to raise a protest against the laws which Government have made. Sir, each one of these one thousand persons must have got at least half a dozen people to sympathise with him. So the influence of the Congress is expanding and is not diminishing, and the more the Government brings into operation their laws so meticulously, the danger is, the more Congress influence will grow. My Honourable friend from Guzerat says that Government cannot allow their laws to be brought into ridicule. Well, Sir, those who infringe the laws do not bring the laws into ridicule; the laws are brought into ridicule by the framers themselves and by those who bring them into execution. If we shall examine the Statute-book of England we shall find hundreds of Statutes which are now lying dormant and if the Government were so very foolish as to bring any one of them into operation, they will raise a cry of protest all over the country.

Mr. N. N. Anklesaria: Has any occasion arisen for it?

Mr. B. V. Jadhav: Yes, many a time. Only about a couple of years ago the Sunday-breaking law was called by some enthusiast into operation and he filed a complaint against the cinema theatres being opened on Sunday afternoons.

Mr. N. N. Anklesaria: What happened?

Mr. B. V. Jadhav: You know that the theatres are going on still; that is what happened. (Hear, hear.) These ridiculous laws cannot be enforced always and at all times. So, what I find is this that instead of suppressing the Congress, Government have helped to make the Congress a live institution. They have revived it; its influence is growing; and as long as Government does not allow the Congress session to be held either at Calcutta or at some other place, so long the prestige of Congress will be on the increase and, I am afraid, Government will look small.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): When the honour is increased, why do you want an adjournment motion?

Mr. B. V. Jadhav: I am not going to censure the Government on that. On the contrary, I wish to say that I congratulate the Government.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the Honourable the Home Member, as if by way of anticipation, made a speech on the Resolution regarding the release of the political prisoners and used some arguments as if to justify the banning of the holding of the Calcutta Congress. Sir, he stated in the course of his speech that what he looked for was peace which he keenly missed in the speech that Mahatma Gandhi delivered in London at the Round Table Conference. And his interpreter—though, I am afraid, the Honourable the Home Member might be inclined to say: "Save me from my interpreter"—

[Mr. C. S. Ranga Iyer.]

on the Benches of the Centre Party explained in one phrase that "Gandhism" has possessed the Congress which therefore deserves to be suppressed. Perhaps it is a pitiful thing from the Congress point of view that the Honourable the Home Member and the gentlemen on the Centre Benches have not exchanged their seats. (Laughter.) The Congress was suppressed once and declared as an outlaw but the Government found that it does not pay because suppression makes the meat it feeds on. At any rate, this is so, so far as the Congress is concerned. Sir, the Honourable the Home Member was aghast that the Congress people had the war mentality and perhaps the reason for the prevention of the holding of the Congress is that they persist in possessing the war mentality. But I miss the peace mentality in the Government of India. I want them to develop peace mentality. On the contrary, we have got, as the Honourable Member from Lucknow truly said, two belligerents. We stand between two fires. We have a Government armed with special laws, ready to use those laws to prevent the holding of the Congress to discuss the White Paper and current political events including the political prisoners, their supporters and comrades in jail. Has not the Congress, I ask, the right of meeting so long as you do not declare it an unlawful body? The Honourable the Home Member said that the Congress cherishes ideas of independence. As Mr. Mitra truly said, is the cherishing of independence as an ideal for this nation anything false, anything wrong, anything immoral?

5 P.M.

Sir, I believe in the freedom and the independence of my country, and will the Honourable the Home Member take the responsibility of putting me in jail if I am to conduct a raging, tearing campaign in the country during the election that I stand for independence and freedom as interpreted by the Statute of Westminster? (Applause.) Dominion Status interpreted in the light of the Statute of Westminster, on the highest authority of Mr. Winston Churchill, means independence. And here is our Home Member who comes and tells us that the Congress must put aside its ideal of independence. There is no difference whatever, now that modern science has curtailed distance and shrunk the world, between independence and inter-dependence; and His Majesty's Government are negotiating with the Irish Free State whose leader is devoted to independence, and at the same time he is a welcome guest in 10, Downing Street. We do not stand for independence; we stand for Dominion Status. Have you not got in South Africa two parties, the Republican party and the Democratic party, the Republican party led by the Prime Minister of South Africa? After all in India there may be two parties, the Independence party and the Dominion Status party; but every time you put the Independence party in jail, you make it difficult for the Dominion Status party to go to the country. Why suppress the Congress? Why not allow the Congress to have its say, so that we may have an opportunity of meeting their arguments? So long as you rely on force, you make it difficult for us to preach persuasion; so long as you rely on your special powers, you are driving a nail in what will ultimately become the coffin of constitutionalism. (Hear, hear.) That is my objection to the steps which the Honourable the Home Member has permitted being taken in Calcutta. For, among the men arrested, are men like Pandit Malaviya, who never from any single platform to my knowledge has said that he stands for the severance of the British connection. It is the right wing Congressmen who believe in Dominion Status who forced the hands of Mahatma Gandhi to sign

the Gandhi-Irwin Pact. After that there has been no talk of independence from any responsible Congressman that I know of; and until and unless the Home Member proves that the Congress is faced with jail today because the Mahatma came from London and preached independence, I will not take his word.

The Honourable Sir Harry Haig (Home Member): May I point out, Sir, that the resolution, I referred to, was a resolution of the Congress passed immediately after the Gandhi-Irwin Pact?

Mr. C. S. Ranga Iyer: Independence is an ideal, but the Congress did not repudiate the Gandhi-Irwin Pact which does not embody the substance of independence, not even the substance of Dominion Status. It is *Dominion Status with safeguards*. So long as the Congress did not repudiate the Gandhi-Irwin Pact, I would ask the Home Member not to make it difficult for us constitutionalists to face the country. He is an irresponsible man who can go back to his country and get an ovation from his people for his brave deeds in India. I have to go back to my constituency; gentlemen on this side have to go back to their constituencies, and they will ask us, "What did you get from the Government of India, suppression of the ideal of independence?" Sir, it is too late in the day even for Sir Harry Haig to stand up in his seat with all the might of the Conservative majority in Great Britain and say that Indians dare not cherish the ideal of independence. That is just the way to make them cherish the ideal of independence. The most unhappy justification, the most unreasonable and thoughtless expression that fell from the Home Member today is that until and unless the Congress abandons the talk of independence, the Congress people will have to be in jail and the Congress will not be allowed to be held. That is not the way to peace in this country, it is the way to war; and with the war mentality that the gentlemen on the Treasury Benches possess, they are preaching war while we are planning peace. (Applause.) We want to create an atmosphere for the reforms; he makes it difficult for us by not allowing the Congress people to come together and speak out, think out and say what they feel about the White Paper. The Congress does not consist of mere automatons; one man does not think for the entire Congress. I have been a Congressman for long years who intimately associated with the Congress leaders, I know how deeply they differ among themselves. When the White Paper containing the new scheme of reforms was published, the Government of India should have acted exactly as the late Edwin Montagu acted when his scheme of reforms was published. Edwin Montagu released Mrs. Besant and Messrs. Arundale and B. P. Wadia who were preaching Home Rule.

Mr. F. E. James (Madras: European): They did not preach civil disobedience.

Mr. C. S. Ranga Iyer: They sowed the seed of civil disobedience; civil disobedience is a child of the Home Rule movement. The Honourable gentleman on the European Benches ought to read recent history with some imagination. The Home Rule movement was a harbinger of civil disobedience. If Mrs. Besant did not preach civil disobedience, why was she interned, I ask. Internment was a blunder then, but she was interned

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and Montagu released her because he wanted to create a peaceful atmosphere in this country. Tilak and others came into the Congress and they discussed the Montagu reforms. There were two parties and one party separated from the Congress to work the reforms. The White Paper is published; I know with the information in my possession that there are Congressmen, keen Congressmen, prominent Congressmen, who want to develop a new angle of vision and to discuss the new crisis, which is a new feature of the reforms. They may not like the scheme; who on these Benches blessed the White Paper? They may criticise it; Government must not be afraid of criticism. Government must not say, abandon independence as the goal, abandon civil disobedience, worship in the temple in which we worship and then we shall allow you to hold the Congress. That is not statesmanship; it is bankruptcy of statesmanship. (Hear, hear.) And so long as this bankruptcy of statesmanship persists on the official benches, relying perhaps on the Conservative majority in England and their war mentality, if this bankruptcy of statesmanship continues, they will only be digging the grave of the constitutional movement in this country. They should have allowed the Congress to meet; with their special powers, if the Congress passed some of the most objectionable things, they would be on stronger ground to put Congressmen in jail. If, on the contrary, the Congress parties differed, as I am certain they would have differed, on the present issue and future plans, if the Congress majority would have repudiated the Congress minority, and if the reformers in the Congress were in a minority, if they had turned away from the Congress or carried on a raging campaign in the Congress itself to hold a special session of the Congress and secure verdict in their favour, that would have been the triumph of common sense and constitutionalism. The Honourable the Home Member does not permit that; he tells Congressmen like Themistocles of old, "I have brought two gods with me, Persuasion and Force,"—persuasion of the White Paper variety, persuasion that you must abandon your ideal and lick the dust, or be prepared for force. The Adrians replied to Themistocles, "Sir, we also have two gods on our side Poverty and Despair." So far as the Congress people are concerned, the Honourable the Home Member by the policy that he advocates, is putting them on their mettle and the reaction will be upon the constitutional movement as it was in Ireland. Were not the Redmondites wiped out? Why then follow the discredited Irish policy of a discredited British Government. (Hear, hear!) I want the Honourable the Home Member to help us, to make it possible for the constitutionalists in the Congress like Pandit Malaviya to assert themselves. Pandit Malaviya has no war mentality. Who ever said, with his whole record before us, that he had war mentality?

Mr. B. Das (Orissa Division: Non-Muhammadan): He is the prince of moderates.

Mr. C. S. Ranga Iyer: *A propos* what my Honourable friend, Mr. B. Das, says, the Pandit is a moderate among princes and a prince among moderates. He should have been allowed to have his say in the Congress and to lead the country on the right lines. But he cannot say beforehand, "Oh, this is what I am going to say." He cannot say beforehand, "I shall accept Sir Harry Haig's lead". (Laughter.) Then he will be cooking his political goose.

Lastly, Sir, I am saying this to Government, do not behave like Jupiter of the fable. Jupiter, it is said, was angry with a rustic and he threatened him with his thunderbolt. The rustic said, "Jupiter, you are angry". Jupiter developed a sense of shyness and the story runs that he abandoned the thunderbolt. I want the Honourable the Home Member to develop the latter quality of Jupiter, abandon his thunderbolt, make it easy for the constitutionalists both in and out of the Congress to assert themselves so that the constitutional movement will come up again stronger than ever; and if it does not come up again, the White Paper and all that it involves will be but a scrap of rubbish. (Applause.)

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I wish to support this motion. When I read in the newspapers of the arrest of a number of prominent men who were going to Calcutta to attend the next session of the Congress I looked for reasons for this action. Then I lighted upon certain questions that were asked in the Bengal Council as regards the position of the Congress under the new Act and the spokesman on behalf of the Bengal Government said that the Congress had not been declared an unlawful association, and I think he also further said that the meeting of the Congress which was contemplated had not been declared to be an unlawful meeting. If I am wrong, I am sure the Honourable the Home Member will correct me. If that be so, if these statements that appeared in the newspapers are accurate, then I should like to know and it is this that I have so far failed to understand, under what law has the Government taken action? I do not think that any special Ordinance has been issued on this occasion, and I take it for granted that the Bengal Government or the Government of India, have acted under the law that prevails now. I have looked through the Bengal Security Act of 1932, and especially section 4, and I must say that I cannot find that the language of this section applies to what has happened. Throughout the Act, I find the condition is that either there must be an unlawful association or some offence is sought to be committed, that is, in order to prevent participation in an unlawful association or to prevent commission of an offence under the Act that a person may be arrested in this way.

Now, Sir, I wish that the Honourable the Home Member had told us at the beginning of this debate under what law the action was taken, but so far, I can find no legal justification for it. Then, Sir, there is the broader question, which has been discussed so ably and so eloquently by my friend, Mr. Ranga Iyer,—is it politically expedient at this moment that the meeting of the Congress should be banned. Now let us examine. Suppose the Congress had met. I suppose one of their items of business would certainly have been to examine the proposals of the White Paper and we take it further, and let us assume that they would have condemned the proposals of the White Paper in no uncertain language, and perhaps in stronger language than it has been done by this Assembly (Hear, hear), but any way they were not expected to approve the proposals of the White Paper. Now, supposing that was done, may I know how it would have placed the Government in any difficult position? How it would have endangered security and public safety? It is quite possible that the meeting of the Congress might have degenerated into unlawful scenes or violent acts—it might or might not. But surely any Government must take the risk, because in this 20th century you cannot say that people are

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not to have any sort of public association and meetings at all. You cannot, by previous action, by action taken beforehand, by arresting all kinds of people, hundreds of people, prevent meetings to be held, because forsooth you may anticipate that as an outcome of the meeting or during the proceedings of the meeting, there may be some sort of row, some trouble of some sort. Sir, I do not think any Government that we have known so far take up the attitude that they are empowered or that it is their duty to take preventive action of this character, lest any meeting might degenerate into a rowdy meeting. Further, let me see what other consequences the Government might have apprehended. Government might say that they would be propagating dangerous ideas. I suppose that is the sort of position the Government might take up. Now one of the dangerous ideas which has just now been mentioned, is the ideal of independence. So, as it is an ideal of independence, I do not think there is any Indian who does not wish that his country should ultimately be independent. I have myself, time after time, on public platforms and not very long ago, said that I do expect that our country, in the fulness of time, shall become a great nation amongst the greatest nations of the world. I have said so repeatedly on the public platform and so far nobody took any exception to it, and I am perfectly sure the Honourable the Home Member, an Englishman as he is, would be the last person to object to it. I take it then that the objection is not to the ideal of independence, but to any overt action which is calculated or is intended to bring about a severance of connection with Britain. That I can understand to be an unlawful act against which the Government would take any precautionary measure they like. Now, Sir, what reason was there for the Government to expect that by allowing these gentlemen to meet in Congress were likely to take any practical steps which would incite people to take action to sever connection with Great Britain? The Congressmen are fully aware, every one is aware, that the Government has now at its disposal very drastic powers to put down any action of that character. Surely, could not the Government wait and could not the police authorities of Calcutta wait to see what action the Congress and the Congressmen were going to take when they met? I do not like all sorts of what are now called preventive measures. Preventive measures ought to be an exception. If there is an orderly, well-established government, surely it means that the government has means at its disposal to take action when the law is broken and to take adequate action. But that does not mean that the government must ensure beforehand that no sort of crime or offence will be committed in a country like India. No government has assumed responsibility of that character. And indeed if government assumes responsibility of that character, it must mean a sort of rule which cannot be conceived of in the present times. I therefore very respectfully ask the Government, before it is too late, to reconsider the action they have taken. Let these gentlemen go free and let them meet in Congress or in any other meeting they like. Watch them and deal with them if they violate the law in any way.

Sir Hari Singh Gaur (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I shall very briefly state to the Honourable the Home Member and to the House a point that has been weighing on my mind for some time. Honourable Members will find that the Secretary of State,

when winding up the discussion on the Third Round Table Conference, at page 142 of that report, said :

" Last night Sir Tej Bahadur Sapru made an eloquent appeal for a chapter of renewed co-operation between every section of Indian opinion and ourselves. Lord Chancellor, let me say that there is nothing that I should desire more earnestly myself. I want to see no empty chairs at the conference with the Joint Select Committee. I will give to the words that Sir Tej Bahadur Sapru uttered last night, the full consideration that they demand. He will not expect me this morning to give a definite answer either in the affirmative or in the negative. But I can assure him that I am fully conscious of the expressions of goodwill of which we have had evidence in India itself during the last few months and of which we have had many evidences during the course of our deliberation in this Conference. I can tell him that whatever we may decide, the thing that we wish above all others is that he and his friends"—*and these are the words which I ask Honourable the Home Member to recall*—" shall go back to India and tell every section of Indian opinion that there is opportunity for their help and that we need their help just as we shall go out into Great Britain and tell our friends that after the discussion of the last two years and particularly after the deliberations of the last few weeks, we believe that we can produce before the high court of Parliament a scheme on the lines that we have been discussing that will do credit both to British and to Indian statesmanship."

If this statement means anything at all, it means this: that the delegates at the Round Table Conference were assured that they will be given full right to go and preach and persuade all sections of the Indian community—and in this context the reference was to the Indian National Congress; and the assurance that I see underlying this statement was that members of the Round Table Conference will be free to go and tell every section of Indian opinion that there is an opportunity for co-operation. Now, I ask the Honourable the Home Member one question: what facilities has he given or is prepared to give to the constitutionalists in this country to have access to the members of the National Congress in jail and outside the jail to persuade them that the policy that they have been adopting is a wrong policy and that the policy to which they stand committed of constitutional development is the right policy? That is a point upon which I submit the Honourable the Home Member has not given any reply. It was very summarily brought to his notice once before, but I submit on this occasion when the question about the constitutional reforms in England is so vividly before the Indian mind, facilities which were, if not promised, at least understood, to be given to the Indian constitutional reformers to convert people of Congress mentality to their own views have not been forthcoming. When Dr. Sapru and Mr. Jayakar were interviewed upon this point, judging from the newspaper report, they said it was not for them to convince people still behind the prison bars; and it seems to be obvious. Some members who have returned from England and who were associated with the Round Table Conference have been holding small conferences with members of Congress mentality. The Congress itself was about to hold its session in Calcutta; and if the Government of India had given facilities which were demanded by the constitutionalists in this country of persuading the Congress so as to bring them to their point of view, the Congress could not have been banned, because it offered a splendid opportunity to the constitutionalists to approach them and to persuade them to their own view. That seems to be a golden opportunity that occurred to the constitutionalists and to the Government and it has been lost. The Honourable the Home Member says "How can we deal with people who are pledged to independence and the civil disobedience movement?" I am afraid the Honourable the Home Member has been reading from an old and somewhat obsolete brief. Since that statement was made,

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the Congress as well as those who stood and demanded absolute independence have openly declared that they would be satisfied with the substance of independence and that substance of independence, as my friend, Mr. Ranga Iyer, pointed out, is vouchsafed in the Statute of Westminster. I do not wish to go into the constitutional issue as to what is independence and what is not. But I will assume that the mere demand for independence is a factor which cannot by itself be treated as unconstitutional. It is the right of self-determination and the ideal of independence, demanded by the Indian National Congress, cannot be for that very reason regarded as unconstitutional. The members of the Round Table Conference were told by the Lord Chancellor that "you should demand what is really practical and still keep in mind what is your ideal." And the ideal of independence, I do not think the Honourable the Home Member has yet said was *per se* unconstitutional. Then comes the next question about civil disobedience. Whether civil disobedience is constitutional or unconstitutional, that question is not germane to the discussion. At the point of time when these arrests were made, the civil disobedience movement had neither been started nor any overt act done in furtherance of that movement. The utmost that the Government can say, and justifiably say, is that these members of the Indian National Congress from various parts of the country were travelling to Calcutta preparatory to holding a meeting which might result in the re-establishment of re-affirmation of the principle of civil disobedience. That is the utmost that the Honourable the Home Member can say. But, Sir, I ask the Honourable the Home Member,—and he has in his early days administered law—that there is no section in the Indian Penal Code that I am aware of except one which punishes a mere preparation to do a criminal act as in itself a crime. The only offence that I am aware of, which punishes a mere preparation, is the offence of preparation to commit dacoity, but otherwise you require some overt act of an incriminating character from which the modicum of *mens rea* or criminal intention can be gathered, and that alone becomes then an attempt which is punishable by the general law. I am not aware of any special laws that might have been passed making the mere assemblage of people for the purpose of holding meetings of the Congress as an offence. Members on this side have questioned the Home Member to state under what law these gentlemen have been punished or had been arrested. Now, I will assume for the sake of my argument,—not that I concede it, because I do not know what the facts are and there can be no conceding without a knowledge of the facts,—but I will assume for the purpose of my argument that there is some Ordinance or regulation or special law which permits the arrest of persons who are going to Calcutta to attend the meeting of the Indian National Congress. I ask this question: is the Government prepared to assert that every one of the members who was going to Calcutta was going to Calcutta in furtherance of an illegal conspiracy or an illegal object to promote civil disobedience? Can the Home Member not say that there must be a good number amongst them who were going to Calcutta for the purpose of persuading the Indian National Congress to alter its policy and to resort to constitutional agitation instead of continuing the civil disobedience movement? It has been said,—and I think the Home Member has conceded it,—that there is a growing section of people in the Congress ranks who are tired of the civil disobedience movement and would like to have a more peaceful solution of the constitutional questions that

are looming large in the horizon at the present moment. Now, can the Home Member say that he has any doubt about every one of such constitutionalists who are going to Calcutta and has only arrested those who are going with malignant intentions? Speaking for myself, I cannot believe that men like Pandit Malaviya or Mr. Aney, a responsive co-operator, an elected Member of this House and who himself has several times declared in public utterances which have been published in the Press that he is for council entry,—I cannot believe that these people who were going to Calcutta for the purpose of fomenting the civil disobedience movement, and yet they have been arrested. There has, therefore, been an indiscriminate arrest and what we, on this side of the House, complain is an indiscriminate arrests of all persons who were going to Calcutta, whether they were peace breakers or peace makers. That, I submit, is a situation against which Members on this side of the House are justified to complain, and the motion which my friend, Mr. Lalchand Navalrai, has tabled is intended to draw the attention of the Government to the wholesale arrests that are being made in the name of preservation of law and order, and I hope, Sir, that after this debate is over,—we do not wish to censure the Government,—what we really wish to do so is to persuade them to accept our view point,—I hope after this debate is over we shall have some assurance from the Home Member that they would change their policy and not resort to indiscriminate arrests of their friends and foes alike.

The Honourable Sir Harry Haig: Sir, before I come to the more direct issues raised by this motion, I may perhaps, with your permission, be allowed to clear up a point, which though it may bear more directly on the Resolution under discussion in the earlier part of the day, has received a great deal of prominence during this discussion. I refer to the question of independence. I am sure my friends opposite did not intentionally misrepresent the scope of my argument, but I would like to point out to them that my argument in the previous debate was that it was said that by releasing the Congress prisoners we should promote a policy of constitutional co-operation, and I merely pointed out that apparently the policy of the Congress as regards the constitution was one of complete independence, and that appeared to me not to be consistent with any very useful co-operation in the constitutional deliberations. I did not go further than that. I did not say that the repudiation of this was a necessary preliminary to their release. Honourable Members opposite have enlarged at some length on the meaning of independence and have assured me that independence does not mean what one naturally supposes it to mean, that it is not a question of severing the connection with Great Britain, and, in fact, my friend, Mr. Ranga Iyer, in the torrent of his language, I think, explained that independence meant inter-dependence. Well, I am prepared to leave the matter at that.

Now, coming to the real case which the Government have to meet in reply to this motion, I think, I may say that it was argued and put before the House in a most reasonable way by my Honourable friend, the Leader of the Independent Party, and by my Honourable friend, the Leader of the Nationalist Party. I think the main case that they really put before the House was this: is it politically expedient at this time to ban the Congress? I fully realise the weight of that argument. We were not anxious, Sir, to ban the Congress. We do not go about banging our drums and patting ourselves on the chest and thinking that we are very strong men and that therefore we are acquiring a certain merit. That is not the attitude of

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Government. The Government were forced into this action by a certain chain of events. Honourable Members naturally concentrate their attention on what is happening at the present moment. But every event has a chain of events leading up to it and it is that chain of events that I wish to deal with this evening.

Briefly, our reasons for not allowing the Congress session were these. The Congress, as I have said before, stand, pledged to civil disobedience. It stands for an unlawful movement and its activities are directed to unlawful ends. The civil disobedience movement may be languishing, but it is still in existence, and it is still the avowed policy of the Congress. The holding of the Congress session, as Honourable gentlemen opposite are well aware, is always a spectacular occasion. The preparations for the holding of the annual session of the Congress usually occupy a month or six weeks. During that period every kind of means is used—and perfectly legitimately used in normal times—for advertising the strength of the Congress as an organisation and popularising its policy. Now, Sir, if under the present conditions when the policy of the Congress is one of civil disobedience that long period of preparation and advertisement were permitted by Government, what would be the effect on the civil disobedience movement and on the minds of the people of this country? I do not think there can be any doubt that permission to hold the annual session of the Congress this year would have served to stimulate the Congress movement and therefore the civil disobedience movement at a time when it is beginning to languish, and that it would have given rise to vain hopes in Congress quarters and unfounded fears among those who support the policy of the Government, that the Government were contemplating some change in their attitude towards civil disobedience.

Sir Abdur Rahim: May I put one question? Why did not the Government then declare the Congress to be an unlawful association if it was identified with civil disobedience so much?

The Honourable Sir Harry Haig: I will come to that in a moment. My Honourable friend asks, why did Government not declare the Congress to be an unlawful body. As I have explained before in this House, the Government are never anxious to do more than the circumstances of the case require. In their judgment it was quite unnecessary for the purpose of dealing with the civil disobedience movement to declare the Indian National Congress to be an unlawful association. Such action would have gone far beyond the requirements of the case. It would have rendered liable to prosecution and imprisonment a number of persons who were actually members of the Congress but not active members of the Congress and not really anxious to pursue the civil disobedience movement. But I would like to make this point clear. The Congress cannot expect to lend its name, its authority and its resources to an unlawful movement and, at the same time, to retain all its privileges as a constitutional body. That is really the demand that is being made by the Congress: "We pursue our unlawful movement; at the same time we claim to hold our annual session as if there were no unlawful movement in progress".

Now, Sir, it has been said that the Congress might possibly, if it had been allowed to meet—might have been ready to change its programme. I do not know that Honourable Members who have made that suggestion have really any ground of substance on which it is based. But if we had had any clear assurance that the object of the Congress session was to call off the civil disobedience movement the position might have been different. There was no kind of suggestion, Sir, of such an assurance. I would go further and say that they—I quite admit that the present situation presents certain difficulties to the Congress organisation—I do feel that the leaders of the Congress on this occasion deliberately forced the issue. It was not as if they did not know what the decision of the Government on this matter must be. They had the experience of last year before them: The House will remember that last year in April the Congress endeavoured to hold its annual session in Delhi, and Government for exactly the same reasons, as have influenced them on this occasion, came to the conclusion that that session could not be held. The leaders of the Congress had taken no steps to ascertain whether the Government position was modified, and indeed under existing conditions it clearly could not be modified. They merely announced their intention of holding the session. Now, Sir, I would draw from that the conclusion that they were seeking to put the Government in a certain position of difficulty rather than trying to help to find a way out for themselves.

It has been said a number of times in the course of this debate that the Congress were anxious to meet in order to discuss the White Paper. Again, I do not know on what grounds this suggestion is made. It is not the Government case that they would have the slightest objection under ordinary conditions to the Congress or any other body in this country discussing the White Paper whether their verdict was favourable or unfavourable. I have explained to the House the reasons which in the view of the Government made it impossible to permit the holding of the Congress session. But that had nothing to do with the probable view that the Congress might take on the White Paper. As a matter of fact, Sir, such information as I have in regard to the intentions of the Congress points rather to the fact that they had no intention of discussing the White Paper because a draft resolution was circulated.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The Honourable Member has just got one minute more.

The Honourable Sir Harry Haig: . . a draft resolution was circulated saying that the Congress refuses to enter into a discussion. I am sorry I have taken longer over my preliminary observations than I had intended to. The question of the legal position has been raised and I wanted to go on to that. One of the Honourable Members addressed me—I think he must have made some mistake in the direction of his address—as the greatest lawyer in this House. Nobody has previously described me as a lawyer, great or small, and I would like to say that so far as the legality of these proceedings is concerned it will no doubt be decided in the courts of law. But this point I would like to make. I have to proceed only on newspaper reports, but action appears to have been taken under section 8 of the Bengal Public Security Act and with reference to that I would just mention that the holding of this Congress is being conducted under the

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instructions of the Working Committee of the Congress and my Honourable friend, Mr. Anklesaria, will be glad to hear that the Working Committee of the Congress, though not the Congress itself, is an unlawful association.

Mr. K. C. Neogy: My Honourable friend, the Home Member, is a statesman who proceeds solely on facts, but in the narration of the general events which led up to Government action in this matter, I missed one particular fact which should have found some mention. I am glad to note that my Honourable friend cares to read newspapers, but if he had read the newspapers of this morning carefully he would have found what the Home Member in the Government of Bengal had to say with regard to this matter. I can quite understand the position which the Honourable Member has taken up that in view of the recent activities of the Congress themselves there was no assurance that the Congress would not indulge in unlawful pursuits at the Calcutta Congress and for that reason the Government action was justified, but if the Honourable Member had read what specific questions were asked in the Bengal Legislative Council, he would have found that there was no order prohibiting the holding of the Congress itself in Calcutta. I could have understood a position like that, that is to say, if the Government were convinced really that the Congress was going to indulge in unlawful activities, the Honourable Member might have some ground from the Government point of view to prohibit the session itself, but the position is otherwise. The question that was put in the Bengal Legislative Council was this:

"Has any order prohibiting the ensuing session of the Congress in Calcutta been issued?"

Mr. Prentice: No such order has been issued."

In a later question, it was further asked:

"Would it be also correct to say that the holding of a session of the Congress itself is not an offence?"

Home Member: That is a matter of opinion."

Therefore, Sir, the Honourable Member, when he assumed that the holding of the Congress itself was banned, was not on safe ground. As a matter of fact, the Government instead of taking the straightforward action of prohibiting the holding of a session of the Congress in Calcutta,—instead of that very straightforward action which one could have understood, took the very devious course of getting the men arrested at small hours in the morning at all the odd stations leading up to Calcutta. I do hope that the Honourable Member, by way of an interruption, would reply to this point as to how is it that the holding of the Congress itself in Calcutta was not prohibited. On the facts stated by him, that would have been a proper order from the Government point of view. The Working Committee, I understand, was declared an unlawful association but the holding of the session itself was not declared to be an unlawful object. How is it then that people were prevented from going to a meeting which had not been declared to be unlawful? Will the Honourable Member be pleased to reply to this point? I am giving way in his favour.

The Honourable Sir Harry Haig: The Honourable Member is very anxious that I shall make a second speech. The point is that the Government have announced their intention of not permitting the session of the Congress to be held. Whether for that purpose it is desirable to issue an order such as my Honourable friend wishes them to issue presumably under the Criminal Procedure Code or whether they should take other action such as they have taken, which leads to the same result, seems to me to be a matter that might reasonably be left to the discretion of the Government.

Mr. K. C. Neogy: Sir, my Honourable friend's conception of the Congress seems to be a kind of an advisory committee attached perhaps to the Department of Public Information. If that be my Honourable friend's conception of the Congress, I am sure that he would not find even Mr. Anklesaria prepared to support this idea. Sir, our differences with the Congress may be great. They are great, but I tell my Honourable friend that there would be very few people found in this country who would support Government in their attempt to humiliate and persecute the Congress in the most unwarranted manner that they are doing at the present moment.

Several Honourable Members: The question be now put.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): The question is:

"That the question be now put."

The motion was adopted.

Mr. President (The Honourable Mr. R. K. Shanmukham Chetty): Order,
6 P.M. order. The question is:

"That the House do now adjourn."

The Assembly divided:

AYES—30.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Biswas, Mr. C. C.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Jadhav, Mr. B. V.
Jog, Mr. S. G.
Joshi, Mr. N. M.
Kyaw Myint, U.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Liladhar Chaudhury, Seth.
Mitra, Mr. S. C.

Murtuza Saheb Bahadur, Maulvi
Saggyid.
Neogy, Mr. K. C.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Roy, Kumar G. R.
Sant Singh, Sardar.
Sarda, Diwan Bahadur Harbilas.
Sen, Mr. S. C.
Sen, Pandit Satvendra Nath.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Uppi Saheb Bahadur, Mr.

NOES—49.

Abdul Hye, Khan Bahadur Abul
 Hasnat Muhammad.
 Acott, Mr. A. S. V.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Amir Hussain, Khan Bahadur Saiyid.
 Anklesaria, Mr. N. N.
 Anwar-ul-Azim, Mr. Muhammad.
 Bajpai, Mr. G. S.
 Bhole, The Honourable Sir Joseph.
 Clow, Mr. A. G.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Dutt, Mr. G. S.
 Dutt, Mr. P. C.
 Fox, Mr. H. B.
 Ghuznavi, Mr. A. H.
 Gwynne, Mr. C. W.
 Haig, The Honourable Sir Harry.
 Hezlett, Mr. J.
 Hudson, Sir Leslie.
 Ismail Ali Khan, Kunwar Hajee.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar.
 Leach, Mr. A. G.
 Mackenzie, Mr. R. T. H.

Megaw, Major General Sir John.
 Metcalfe, Mr. H. A. F.
 Millar, Mr. E. S.
 Mitchell, Mr. D. G.
 Mitter, The Honourable Sir
 Brojendra.
 Morgan, Mr. G.
 Mujumdar, Sardar G. N.
 Mukherjee, Rai Bahadur S. C.
 Noyce, The Honourable Sir Frank.
 Pandit, Rao Bahadur S. R.
 Rafiuddin Ahmad, Khan Bahadur
 Maulvi.
 Raisman, Mr. A.
 Rau, Mr. P. R.
 Ryan, Sir Thomas.
 Schuster, The Honourable Sir
 George.
 Scott, Mr. J. Ramsay.
 Seaman, Mr. C. K.
 Sher Muhammad Khan Gakhar,
 Captain.
 Singh, Mr. Pradyumna Prashad.
 Smith, Mr. R.
 Tottenham, Mr. G. R. F.
 Vachha, Khan Bahadur J. B.
 Yakub, Sir Muhammad.
 Yamin Khan, Mr. Muhammad.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Monday, the 3rd April, 1933.